

# EXHIBIT 2

*United States v. Adis Medunjanin*

DATE: March 29, 2012

PARTICIPANTS:	SAAJID BADAT:	BADAT
	DAVID BITKOWER:	BITKOWER
	ROBERT GOTTLIEB:	GOTTLIEB
	BRYSON DUDLEY:	DUDLEY

ABBREVIATIONS:	UNINTELLIGIBLE:	UI
	INAUDIBLE:	IA
	PHONETIC SPELLING:	PH
	SIMULTANEOUS CONVERSATION:	SC

1 DUDLEY: All right, my name Bryson Dudley and I work for Free State Reporting. Um, do you affirm  
2 that the testimony that you're about to give in this deposition will be the truth, the whole  
3 truth and nothing but the truth?  
4  
5 BADAT: Yes, I do.  
6  
7 BITKOWER: Will you please state and spell your name for the record?  
8  
9 BADAT: My name is Saajid Badat, that's spelled first name S-A-A-J-I-D B-A-D-A-T.  
10  
11 BITKOWER: Can you say your name again?  
12  
13 BADAT: My name is Saajid Badat and that is spelled S-A-A-J-I-D B-A-D-A-T.  
14  
15 BITKOWER: And I'll ask you just to keep your voice up throughout the proceedings. Uh, because this  
16 is being recorded.  
17  
18 BADAT: Okay.  
19  
20 BITKOWER: Okay. Uh, Mr. Badat, are we currently located in the United Kingdom?  
21  
22 BADAT: Yes.  
23  
24 BITKOWER: Alright, you have been called to testify in an American criminal trial in federal court in the  
25 United States District Court for the Eastern District of New York. Do you understand  
26 that?  
27  
28 BADAT: Yes.  
29 8:23  
30 BITKOWER: And the testimony you're about to give may be introduced at -- at a trial in the Eastern  
31 District of New York; do you understand that?  
32  
33 BADAT: Yes.  
34 8:23  
35 BITKOWER: The name of that trial is United States versus Adis Medunjanin. Have you ever heard the  
36 name Adis Medunjanin before?  
37  
38 BADAT: No.  
39  
40 BITKOWER: I'm gonna ask you to look at the video screen now. Do you see an individual on the  
41 screen?  
42  
43 BADAT: Yes.  
44 8:35  
45 BITKOWER: Have you ever seen that individual before?  
46  
47 BADAT: No.  
48  
49 BITKOWER: Do you know who that individual is?  
50  
51 BADAT: No.  
52  
53 BITKOWER: I'll ask that the record reflect that the individual in the video screen is in fact the  
54 Defendant. Mr. Gottlieb.  
55

Speaker

Transcription

1 GOTTlieb: We stipulate.  
2  
3 BITKOWER: Uh, because you are under oath, Mr. Badat, if you testify falsely you may be subject to  
4 criminal penalties in the United States. Do you understand that?  
5  
6 BADAT: Yes.  
7 8:54  
8 BITKOWER: In addition, if you intentionally present false information during this proceeding, you may  
9 be held in violation of your agreement with United Kingdom authorities, pursuant to the  
10 Serious Organized Crime and Police Act. Do you understand that?  
11  
12 BADAT: Yes.  
13  
14 BITKOWER: Uh, in addition, if you intentionally false -- present false information during this  
15 proceeding, you may be subject to prosecution in the United Kingdom for perversion of  
16 the course of justice. Do you understand that?  
17  
18 BADAT: Yes.  
19  
20 BITKOWER: Mr. Badat, have you been convicted of any crimes?  
21  
22 BADAT: Yes.  
23  
24 BITKOWER: And what crime or crimes have you been convicted of?  
25 9:24  
26 BADAT: I was convicted, uh, with conspiracy to harm an aircraft.  
27  
28 BITKOWER: And can you describe, uh, did you in fact commit that crime?  
29  
30 BADAT: Yes.  
31  
32 BITKOWER: And can you describe what it is you did to commit that crime?  
33  
34 BADAT: I agreed to take an explosive device on an aircraft and explode it.  
35  
36 BITKOWER: And approximately when did you do that?  
37  
38 BADAT: Uh, I did that at the end of the year 2001.  
39  
40 BITKOWER: And did you commit that crime alone or with anyone else?  
41  
42 BADAT: With someone else.  
43  
44 BITKOWER: And who was that?  
45 9:52  
46 BADAT: That was Richard Reid.  
47  
48 BITKOWER: And did you and Richard Reid commit that crime as individuals or on behalf of an  
49 organization.  
50  
51 BADAT: On behalf of an organization.  
52  
53 BITKOWER: And what organization was that?  
54  
55 BADAT: That was the organization of al-Qaeda.  
56 BITKOWER: And in what country were you convicted of that crime?

<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: The United Kingdom.
3	10:09
4	BITKOWER: And were you convicted after a trial or pursuant to a guilty plea?
5	
6	BADAT: In pursuit to a, uh, a guilt -- guilty plea.
7	
8	BITKOWER: Okay, uh, after your conviction in the United Kingdom, did there come a time that you
9	signed an agreement to cooperate with the United Kingdom government?
10	
11	BADAT: Yes.
12	
13	BITKOWER: And are you testifying here today pursuant to that agreement?
14	
15	BADAT: Yes.
16	
17	BITKOWER: Uh, had -- other than the charges in the United Kingdom, have you been charged with a
18	crime in any other country or countries?
19	
20	BADAT: Yes.
21	
22	BITKOWER: And what country or countries?
23	
24	BADAT: I been charged also in the United States.
25	
26	BITKOWER: And with what crime or crimes have you been charged in the United States?
27	
28	BADAT: Uh, similar crime to what I've been convicted of in the UK. Uh, I mean by that anything
29	along the lines of conspiracy to commit homicide.
30	10:50
31	BITKOWER: Okay and in -- in relation to what -- what event or events?
32	
33	BADAT: In relation to the same event.
34	
35	BITKOWER: Which --
36	
37	BADAT: Uh, which is the -- what we call the shoe bombing, the -- I was convicted of in the UK.
38	
39	BITKOWER: And that's the plot you described earlier to -- to bring an explosive on the aircraft?
40	
41	BADAT: Yes.
42	
43	BITKOWER: And although you have pleaded guilty in the United Kingdom, is your charge in the United
44	States still pending?
45	
46	BADAT: Yes.
47	
48	BITKOWER: And what is your understanding of what would happen to you if you traveled to the
49	United States now?
50	
51	BADAT: My understanding is that, uh, I would be arrested in the United States.
52	
53	BITKOWER: And in advance of this proceeding, have you been asked by the US Government if you
54	would voluntarily travel to the United States to appear at this trial?
55	
56	BADAT: I've been asked.

Speaker

Transcription

1  
2 BITKOWER: And what have you responded?  
3 11:29  
4 BADAT: My response was, uh, no, I would not be willing to travel.  
5  
6 BITKOWER: And why would you not be willing to travel to the United States?  
7  
8 BADAT: Uh, uh, because I know that, uh, upon arrival in the United States, I would be arrested.  
9  
10 BITKOWER: Okay. Mr. Badat, how old are you now?  
11  
12 BADAT: I am now 33.  
13  
14 BITKOWER: And where were you born?  
15  
16 BADAT: I was born in the United Kingdom.  
17  
18 BITKOWER: And can you please state what languages you speak?  
19  
20 BADAT: I speak English, Arabic, Urdu and Gujarati.  
21  
22 BITKOWER: Uh, did there come a time when you traveled from the United Kingdom to Afghanistan?  
23  
24 BADAT: Yes.  
25 12:01  
26 BITKOWER: And approximately when was that?  
27  
28 BADAT: At the beginning of the year 1999.  
29  
30 BITKOWER: And approximately how old were you when you first traveled from the United Kingdom  
31 to Afghanistan?  
32  
33 BADAT: Nineteen.  
34  
35 BITKOWER: Age 19?  
36  
37 BADAT: Age 19, yes.  
38  
39 BITKOWER: Uh, when was it that you last left Afghanistan?  
40  
41 BADAT: I left Afghanistan at the end of 2001.  
42  
43 BITKOWER: And while you were in Afghanistan, did you also travel from Afghanistan to any other  
44 countries?  
45  
46 BADAT: Yes.  
47  
48 BITKOWER: Uh, overall, how long were you abroad before returning to the United Kingdom?  
49  
50 BADAT: Approximately three years.  
51 12:35  
52 BITKOWER: Um, what was your purpose in traveling from the United Kingdom to Afghanistan in the  
53 first place?  
54  
55 BADAT: I went to Afghanistan in order to acquire military training for Jihad, for violent Jihad.  
56 12:48

Speaker

Transcription

1 BITKOWER: And when you say violent Jihad, can you describe what it is you mean?  
2  
3 BADAT: Taking up arms in the name of Islam in order to fight with the oppressors.  
4  
5 BITKOWER: Oppressors of what?  
6  
7 BADAT: Uh, oppressors of Muslims.  
8  
9 BITKOWER: Okay and at the time you traveled to Afghanistan, what was your understanding of who  
10 those oppressors of Muslims were?  
11  
12 BADAT: Uh, predominantly non-Muslims, uh, led by, um, the -- the West.  
13  
14 BITKOWER: And when you say the West, would that include the United States?  
15  
16 BADAT: Yes.  
17 13:13  
18 BITKOWER: Would that include the United Kingdom?  
19  
20 BADAT: Yes.  
21  
22 BITKOWER: Uh, you mentioned earlier that you committed, uh, the crime that you did -- that you've  
23 been convicted of on behalf of an organization called al-Qaeda?  
24  
25 BADAT: Yes.  
26  
27 BITKOWER: Uh, when you traveled from Afghanistan -- uh, from the United Kingdom to Afghanistan  
28 in the first place, was it your intent to join or commit crimes on behalf of al-Qaeda?  
29 13:33  
30 BADAT: No.  
31  
32 BITKOWER: Uh, what was your intent at that time?  
33  
34 BADAT: My intent was to simply acquire the military training.  
35  
36 BITKOWER: When you traveled to Afghanistan, uh, were you aware of who was in charge of the  
37 Afghan government?  
38  
39 BADAT: Yes.  
40  
41 BITKOWER: And who was that?  
42  
43 BADAT: It was the Taliban.  
44  
45 BITKOWER: Is the Taliban at that time the government of Afghanistan?  
46  
47 BADAT: Yes.  
48  
49 BITKOWER: Uh, when you arrived in Afghanistan, did you in fact obtain military training?  
50  
51 BADAT: Yes.  
52 13:54  
53 BITKOWER: And in what subject or subjects did you obtain training?  
54  
55  
56 14:00

Speaker

Transcription

1 BADAT: Uh, predominantly in, uh, weapons, light weapons, heavy weapons, also explosives. And  
2 in other areas like navigation and even, uh, collecting, uh, intelligence.  
3  
4 BITKOWER: And when you say weapons, could you describe some of the weapons you obtained  
5 training on?  
6  
7 BADAT: Uh, AK47, uh, PK, which is a general purpose machine gun, um, handguns, um, RPGs.  
8  
9 BITKOWER: And when you say RPG, is that rocket propelled grenade?  
10  
11 BADAT: Yes.  
12  
13 BITKOWER: Uh, when you listed those various subjects of training was that in one course or class or  
14 more than one course or class?  
15  
16 BADAT: More than one course.  
17 14:31  
18 BITKOWER: And was that at one location or more than one location?  
19  
20 BADAT: Different locations.  
21  
22 BITKOWER: And, uh, in general, what locations did you obtain training at in Afghanistan?  
23  
24 BADAT: Training camps situated around, uh, what I call the three main cities, Kabul, Jalalabad,  
25 and Kandahar.  
26  
27 BITKOWER: Uh, so you've named three cities -- are those cities all in Afghanistan?  
28  
29 BADAT: Yes.  
30  
31 BITKOWER: The first city you said was Kabul?  
32  
33 BADAT: Yes.  
34 14:50  
35 BITKOWER: Uh, and was Kabul the capital of Afghanistan?  
36  
37 BADAT: Yes.  
38  
39 BITKOWER: What was the second city you named?  
40  
41 BADAT: Jalalabad.  
42  
43 BITKOWER: Uh, and what was the third city you named?  
44  
45 BADAT: Kandahar.  
46  
47 BITKOWER: During your time in Afghanistan, during those approximately three years, did you meet  
48 any members of al-Qaeda?  
49  
50 BADAT: Yes.  
51  
52 BITKOWER: Uh, at the time you traveled, who was the leader of al-Qaeda?  
53 15:07  
54 BADAT: Osama bin Laden.  
55  
56 BITKOWER: Did you ever meet Osama bin Laden?



<u>Speaker</u>	<u>Transcription</u>
1 15:10	
2 BADAT:	Yes.
3	
4 BITKOWER:	Did you meet Osama bin Laden on one occasion or on more than one occasion?
5	
6 BADAT:	More than one.
7	
8 BITKOWER:	Did you have direct personal interactions with Osama bin Laden?
9	
10 BADAT:	Yes.
11 15:19	
12 BITKOWER:	Did you ever observe Osama bin Laden with your own eyes interact with other members
13	of al-Qaeda?
14	
15 BADAT:	Yes.
16	
17 BITKOWER:	Uh, did you have direct interactions yourself with Osama bin Laden?
18	
19 BADAT:	Yes.
20 15:28	
21 BITKOWER:	Did you ever undertake any tasks on behalf of Osama bin Laden?
22	
23 BADAT:	Yes.
24	
25 BITKOWER:	Uh, at the time you were in Afghanistan, you referred to a group called al-Qaeda.
26	
27 BADAT:	Yes.
28	
29 BITKOWER:	Did you refer at the time to it under the name al-Qaeda.
30	
31 BADAT:	No.
32 15:41	
33 BITKOWER:	How did you refer to the group at that time in that location?
34	
35 BADAT:	They referred to it in Arabic as Jamaat us Shaikh, which means the Shaikh's Group.
36	
37 BITKOWER:	And can you spell if you would though, the phrase Jamaat us Shaikh?
38	
39 BADAT:	Uh, I would spell it in English, J-A-M-A, uh, A-T and then U-S and then S-H-A-I-K-H.
40 16:01	
41 BITKOWER:	Okay and does the Shaikh in that phrase refer to anyone in particular?
42	
43 BADAT:	Refers to Osama bin Laden.
44	
45 BITKOWER:	And in English, how would you refer to Jamaat al-Shaikh?
46	
47 BADAT:	Uh, Shaikh's Group.
48	
49 BITKOWER:	Uh, other than Osama bin Laden, did you have personal, uh, encounters with other
50	leaders of bin Laden's group?
51	
52 BADAT:	Yes.
53 16:21	
54 BITKOWER:	And did you also undertake tasks or operations on behalf of those other group leaders?
55	
56 BADAT:	Yes.

SpeakerTranscription

1  
2 BITKOWER: Did you also have the opportunity to enter -- to observe those, uh, leaders of bin Laden's  
3 group interacting with one another?  
4  
5 BADAT: Yes.  
6 16:32  
7 BITKOWER: Did you also have the opportunity to observe them interacting with other members or  
8 operatives of the group?  
9  
10 BADAT: Yes.  
11  
12 BITKOWER: Um, did you yourself at any point act under the direction of members of bin Laden's  
13 group?  
14  
15 BADAT: Yes.  
16  
17 BITKOWER: And over what time period was that?  
18  
19 BADAT: Uh, over period between the summer of 2000 and the end of 2001.  
20  
21 BITKOWER: So approximately a year and a half; is that fair?  
22  
23 BADAT: Yes.  
24 16:54  
25 BITKOWER: Uh, when you were in Afghanistan, how did you support yourself financially?  
26  
27 BADAT: Um, I, uh, for the first year in Afghanistan, I still had money that I had taken with me  
28 initially. Uh, from then on from the beginning of the year 2000, I was receiving, uh, the  
29 sum of 1,000 Pakistani rupees from, um, uh, from the organization of al-Qaeda, every  
30 month.  
31  
32 BITKOWER: And did you also receive, uh, a salary in that nature from any other groups?  
33  
34 BADAT: Uh, yes, for a period of time I worked on a magazine, um, attributed to the Taliban, uh,  
35 during which I received the same amount of money each month, 1,000 Pakistani rupees.  
36 That was for, uh -- that was during a period between, um, the summer of 2000 and, uh,  
37 late autumn of the same year.  
38  
39 BITKOWER: So for what period of time, uh, approximately did you receive a salary directly from bin  
40 Laden's group?  
41 17:46  
42 BADAT: Approximately two years.  
43  
44 BITKOWER: Um, based on your experiences and your interactions with members -- bin Laden and  
45 members of his group, did you have an understanding as to who was the second in  
46 command of that group?  
47  
48 BADAT: Yes.  
49  
50 BITKOWER: And who was that?  
51  
52 BADAT: Abu Hafs al-Masri or al-Commandan. There were two names for him.  
53  
54  
55 BITKOWER: Thank you. Uh, you just mentioned in -- in -- I'm sorry. You just mentioned an individual  
56 named, uh, Abu Hafs al-Masri or al-Commandan. Is that correct?

<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: Yes.
3	
4	BITKOWER: Would you please spell if you can, the name?
5	
6	BADAT: Abu Hafs would be spelled A-B-U H-A-F-S. Al-Masri would be A-L M-A-S-R-I.
7	
8	BITKOWER: And does the phrase al-Masri have any meaning in Arabic?
9	
10	BADAT: Yes, it means the Egyptian.
11	
12	BITKOWER: And, uh, what would the phrase al-Commandan mean?
13	
14	BADAT: Al-Commandan would be, uh, would be the commander.
15	18:56
16	BITKOWER: And, uh, what was your understanding of the role played by Abu Hafs al-Masri in the
17	organization al-Qaeda?
18	
19	BADAT: He would be the -- I would see him as the number two to Osama bin Laden and he was
20	someone that had knowledge of and, uh, even controlled any kind of operations abroad.
21	I mean by that terrorist operations.
22	
23	BITKOWER: And was that based on your personal interactions with Abu Hafs al-Masri?
24	
25	BADAT: Yes.
26	
27	BITKOWER: Um, and when you say terrorist operations abroad, at the time you were in Afghanistan,
28	were you familiar with whether or not al-Qaeda had committed particular operations
29	abroad?
30	
31	BADAT: Yes.
32	
33	BITKOWER: What operations are you referring to?
34	19:32
35	BADAT: The bombing of the U.S.S Cole as well as the, um, uh, attacks on September the 11th,
36	2001.
37	
38	BITKOWER: Um, and approximately when did the bomb on the U.S.S. Cole occur?
39	
40	BADAT: Uh, approximately, uh, autumn 2000 -- autumn 2000.
41	BITKOWER: Um --
42	
43	BADAT: Uh, the month approximately October or November.
44	19:55
45	BITKOWER: Um, after Abu Hafs al-Masri, did you have an understanding of who would be the next in
46	charge of -- of al-Qaeda or bin Laden's group?
47	
48	BADAT: My view was that it would be Saif al-Adl.
49	
50	BITKOWER: Can you spell the name Saif al-Adl?
51	20:05
52	BADAT: Saif, S-A-I-F then U-L then A-D-L.
53	
54	BITKOWER: And what was your under -- withdrawn. Did you have personal interactions with Saif al-
55	Adl?
56	

<u>Speaker</u>	<u>Transcription</u>
1 BADAT:	Yes.
2	
3 BITKOWER:	And did you also observe him interacting with other members of bin Laden's group?
4	
5 BADAT:	Yes.
6	
7 BITKOWER:	And based on those direct interactions and observations did you have an understanding
8	of what his role was in bin Laden's group?
9 20:26	
10 BADAT:	His role, uh, I saw him as number three to bin Laden. And similar to Abu Hafs, he had
11	knowledge of and also directed, uh, terrorist operations abroad. He also, um, had took
12	personal charge of one of the training camps in Afghanistan.
13	
14 BITKOWER:	Uh, did there come a time while you were in Afghanistan that bin Laden's group merged
15	with any other group?
16	
17 BADAT:	Yes.
18	
19 BITKOWER:	And what was that group and when did that occur?
20	
21 BADAT:	Uh, bin Laden's group al-Qaeda merged with, uh, another group called Jamaat al-Jihad
22	which was led by Ayman al-Zawahiri. This official merging took place about, uh,
23	spring/summertime 2001.
24 21:08	
25 BITKOWER:	Okay and you mentioned a couple of words there. Um, first of all Jamaat al-Jihad. Spell
26	that?
27	
28 BADAT:	Yes, Jamaat, uh, J-A-M-A-A-T and then A-L and then J-I-H-A-D.
29	
30 BITKOWER:	And what does that mean?
31	
32 BADAT:	Uh, the Jihad Group.
33	
34 BITKOWER:	And you mentioned the name of the individual who was in charge of that group prior to
35	the merger?
36	
37 BADAT:	Yes.
38	
39 BITKOWER:	What was that name?
40	
41 21:30	
42 BADAT:	Ayman al-Zawahiri.
43	
44 BITKOWER:	Um, and -- and you mentioned the time that that merger occurred.
45	
46 BADAT:	Sorry?
47	
48 BITKOWER:	You mentioned the time approximate that that --
49	
50 BADAT:	Yes.
51	
52 BITKOWER:	-- merger occurred?
53	
54 BADAT:	Yes.
55	
56 BITKOWER:	When was that?

SpeakerTranscription

1  
2 BADAT: Uh, about the -- I believe the spring or summer 2001.  
3 21:44  
4 BITKOWER: Okay and was there any sort of ceremony to mark that merger?  
5  
6 BADAT: Yes.  
7  
8 BITKOWER: And were you at that -- present for that?  
9  
10 BADAT: Yes.  
11  
12 BITKOWER: Um, after that ceremony, did, uh, Ayman al-Zawahiri remain in the combined bin Laden  
13 group?  
14  
15 BADAT: I believe he did but I did not have any personal interactions with him regarding, uh, uh,  
16 similar to what I mentioned with Saif al-Adl and Abu Hafs.  
17  
18 BITKOWER: Did you in fact see him after that date?  
19  
20 BADAT: Yes.  
21  
22 BITKOWER: Okay, in Afghanistan?  
23  
24 BADAT: Yes.  
25  
26 BITKOWER: Uh, while you were in Afghanistan did bin Laden's group maintain any locations or  
27 compounds?  
28  
29 BADAT: Yes.  
30 22:19  
31 BITKOWER: And in what location or locations?  
32  
33 BADAT: Um, in and around the cities of Kabul, Kandahar and Jalalabad.  
34  
35 BITKOWER: Okay and I'm gonna ask you to focus specifically, uh on the City of Kandahar.  
36  
37 BADAT: Okay.  
38  
39 BITKOWER: With the locations in and around the City of Kandahar.  
40  
41 BADAT: Yes.  
42 22:35  
43 BITKOWER: Can you give us examples of some of those locations maintained by bin Laden's group at  
44 that time?  
45  
46 BADAT: One location was known as the Matar. It was, uh, which means airport and it was also  
47 situated near Kandahar airport. This firstly served as a compound where bin Laden would  
48 reside along with other families. Uh, it later became a training camp known as al-Obaida  
49 training camp.  
50  
51 BITKOWER: Okay and, uh, you used the word Matar. Would you be able to spell that?  
52  
53 BADAT: Matar, M-A-T-A-R.  
54  
55 BITKOWER: And would you also used the word Obaida training camp. Can you spell Obaida?  
56

Speaker

Transcription

1 BADAT: Obaida, O-B-A-I-D-A.  
2  
3 BITKOWER: And were you physically present at the Matar or the Obaida training camp?  
4 23:16  
5 BADAT: Yes.  
6  
7 BITKOWER: And did you have opportunities to observe, uh, activities associated with the group taking  
8 place first-hand?  
9  
10 BADAT: Yes.  
11  
12 BITKOWER: Uh, what was during your time in Afghanistan?  
13  
14 BADAT: Yes.  
15  
16 BITKOWER: Uh, did al-Qaeda or the bin Laden group maintain other locations in Kandahar at that  
17 time?  
18  
19 BADAT: Yes.  
20  
21 BITKOWER: What other locations?  
22 23:31  
23 BADAT: Uh, also there was a guest house, um, a guest house would serve as a stopping point for  
24 anyone coming, uh, from outside Afghanistan. It was a place where many people, um,  
25 uh, associated with the group, with al-Qaeda or people who had undertaken training  
26 would reside so that was a guest house. Uh, there was also, uh, a place, uh, I refer to as  
27 the Media Center, also attributed to bin Laden. Uh, there was also locations -- one I  
28 describe as the "Posh House" and I would describe as the "House of Pomegranates." Uh,  
29 all serving various locations -- all serving various purposes.  
30  
31 BITKOWER: Serving various purposes?  
32  
33 BADAT: Yeah.  
34  
35 BITKOWER: Okay, um, and I'm gonna refer you specifically to the place you just described as the  
36 Media Center.  
37  
38 BADAT: Okay.  
39  
40  
41 24:16  
42 BITKOWER: First of all, was that at one location or more than one location while you were in  
43 Afghanistan?  
44  
45 BADAT: I know of three locations that served as the Media Center, one after the other.  
46  
47 BITKOWER: Okay at the same time or in -- or --  
48  
49 BADAT: Uh, at different times.  
50 24:28  
51 BITKOWER: Okay so that it would move from one location to another location?  
52  
53 BADAT: Yes.  
54  
55 BITKOWER: And did you actually spend time at the, uh, bin Laden group Media Center?  
56

<u>Speaker</u>	<u>Transcription</u>
1 BADAT:	Yes.
2	
3 BITKOWER:	Um, and in particular, did, um, uh, over those three locations that you spent time, did
4	you visit each of those three locations?
5	
6 BADAT:	Yes.
7	
8 BITKOWER:	Um, and can you estimate approximately how much time you spent at those locations
9	while you were in Afghanistan?
10 24:49	
11 BADAT:	My time in the first location was minimal. Um, I remember two, uh, I remember, um,
12	two occasions where I visited the second location in 2001. But the third location I
13	actually resided at for a number of months in the year of 2001.
14	
15 BITKOWER:	And so you resided at the Media Center?
16	
17 BADAT:	Yes.
18	
19 BITKOWER:	And while you resided there, were you able to observe what sorts of activities were
20	taking place in that Media Center?
21	
22 BADAT:	Yes.
23	
24 BITKOWER:	And can you describe what activities were taking place in that Media Center?
25 25:16	
26 BADAT:	Uh, there was the production of, uh, videos. Uh, there was also access to, um,
27	international, uh, broadcasts from stations like al-Jazeera. There was a satellite dish
28	there. Um, there was also, uh, an library full of audio tapes, a library full of, uh, um, VHS
29	tapes and there were also com, uh, a place where, uh, translations, uh, would take place
30	from Arabic into English of the various --
31	
32 BITKOWER:	Okay.
33	
34 BADAT:	-- pieces of literature.
35	
36 BITKOWER:	Translations of what sort of literature?
37	
38 BADAT:	Uh, translations for example of bin Laden's speeches from Arabic into English.
39	
40 BITKOWER:	Uh, you mentioned, uh, the production of propaganda videos?
41 BADAT:	Yes.
42 25:58	
43 BITKOWER:	Uh, were you, uh, able to observe particular propaganda videos during your time at the
44	Media Center?
45	
46 BADAT:	Yes. Uh, there was one particular video which, uh, we refer -- which I, uh, refer to now as
47	the Monkey Bar Video. And, but I recall us referring to it during my time in Afghanistan
48	as the Cole Video.
49	
50 BITKOWER:	And when you say the Cole Video is that in reference to the -- the Destroyer Cole you
51	mentioned earlier?
52	
53 BADAT:	Yes.
54	
55 BITKOWER:	Mr. Badat, I'm gonna show you at this point a -- a compact disk which has previously
56	been labeled for identification as Government Exhibit 100. Do you see that disc?

Speaker

Transcription

1  
2 BADAT: Yes.  
3  
4 BITKOWER: And do you recognize that disc?  
5  
6 BADAT: Yes.  
7  
8 BITKOWER: Uh, how do you recognize the disc?  
9 26:48  
10 BADAT: Uh, I recognize it as, um, uh, uh, I -- the con -- I recognize a disc, the content of which,  
11 um, included, uh, uh --  
12  
13 BITKOWER: Well for the moment do you recognize the actual disc itself?  
14  
15 BADAT: Yes, yes.  
16  
17 BITKOWER: And did you make --  
18  
19 BADAT: Sorry.  
20  
21 BITKOWER: -- any markings on that disc?  
22  
23 BADAT: Yes, yes, I initialed the disc and wrote the figure 100.  
24  
25 BITKOWER: Okay so you previously had seen, uh, this disc at an earlier location?  
26 27:12  
27 BADAT: Yes.  
28  
29 BITKOWER: At an earlier time, I should say?  
30  
31 BADAT: Yes.  
32  
33 BITKOWER: Okay and -- and you've seen the contents of this disc?  
34  
35 BADAT: Yes.  
36  
37 BITKOWER: Okay I'm now gonna put this disc into the, um, into this computer. Okay. For the record  
38 I'm now playing a file from this disc, uh, Government Exhibit 100 and I'm gonna ask the  
39 witness to look at that file.  
40  
41 Video played for the witness.  
42  
43 BITKOWER: Okay and have I now played approximately one minute of this exhibit, Mr. Badat?  
44  
45 BADAT: Yeah.  
46  
47 BITKOWER: Um, based on your viewing of that one minute of this exhibit, do you recognize the  
48 individual depicted on that video?  
49  
50 BADAT: Yes.  
51  
52 BITKOWER: And how do you recognize that individual?  
53  
54 BADAT: I recognize him as a person I knew as Jafar al-Tayyar.  
55  
56 BITKOWER: Okay. Um, and at this point I will move it into evidence for the purpose of this



<u>Speaker</u>	<u>Transcription</u>
1	deposition.
2	
3 BITKOWER:	Mr. Badat, you indicated before that you were able to recognize that individual?
4	
5 BADAT:	Yes.
6	
7 BITKOWER:	Uh, and as who?
8	
9 BADAT:	Uh, someone I, uh, know as Jafar al-Tayyar.
10	
11 BITKOWER:	Can you spell the name Jafar al-Tayyar?
12	
13 BADAT:	Jafar, J-A-F-A-R and A-L T-A-Y-Y-A-R.
14	
15 BITKOWER:	Okay and, uh, how is it that you recognize Mr., uh, Jafar?
16	
17 BADAT:	I recognize him as someone I met in Afghanistan.
18 34:01	
19 BITKOWER:	And does the, uh, depiction on the video look the same as the individual as you knew him
20	in Afghanistan or are there differences?
21	
22 BADAT:	Uh, the general -- uh, the general appearance is the same. Uh, two, uh, notable
23	differences; one be attire and one the size of the beard. Uh, when I first met him, uh, he
24	had a fuller beard.
25	
26 BITKOWER:	When you met him in person he had a fuller beard than he did on the video clip?
27	
28 BADAT:	Yes.
29	
30 BITKOWER:	And how was the attire different?
31 34:28	
32 BADAT:	The attire was more Afghani traditional, uh, attire.
33	
34 BITKOWER:	The attire he wore in Afghanistan?
35	
36 BADAT:	Yes.
37	
38 BITKOWER:	It was more traditional Afghani than he's wearing on the video clip now?
39	
40 BADAT:	Yes.
41	
42 BITKOWER:	Despite those differences, are you able to say that that's the same individual?
43 BADAT:	Yes.
44	
45 BITKOWER:	Can you describe where and when you first encountered Jafar?
46 34:47	
47 BADAT:	I met him for the first time spring the year of 2000 in the Matar.
48	
49 BITKOWER:	And the Matar, is that same, uh, compound you described earlier?
50	
51 BADAT:	Yes.
52	
53 BITKOWER:	Uh, did you also encounter him after the year 2000?
54	
55 BADAT:	Yes.
56	

SpeakerTranscription

1 BITKOWER: And when and where was that?  
2  
3 BADAT: I met him again in Kandahar in the following year, 2001 at the beginning of spring.  
4  
5 BITKOWER: I'm gonna ask you to focus for the time being on the year 2000 when you encountered  
6 Jafar at the Matar.  
7  
8 BADAT: Okay.  
9  
10 BITKOWER: Um, over the, uh, three years you were in Afghanistan, you've indicated you did spend  
11 time at the Matar, is that right?  
12  
13 BADAT: Yes.  
14  
15 BITKOWER: And can you describe what it looked like and what sorts of -- uh -- events it was used for?  
16 35:29  
17 BADAT: Uh, the Matar at this time was a -- a compound, a housing compound for bin Laden and  
18 his family and various other members of his organization with their families. Uh, there  
19 was also a separate section for all the bachelors, uh, many of whom were bodyguards of  
20 Osama bin Laden. Uh, there was a prayer room in each section. There was also a big hall  
21 where various gatherings took place.  
22  
23 BITKOWER: And when was it that you saw Jafar at the Matar?  
24  
25 BADAT: This was during the Ede of Sacrifice in the year 2000.  
26  
27 BITKOWER: And is the Ede of Sacrifice a -- a holiday in Islam?  
28  
29 BADAT: Yes, uh, Islamic, it's -- uh, main -- one of the two main celebrations in the Islamic  
30 calendar.  
31 36:08  
32 BITKOWER: And did celebrations actually take place at the Matar for this, uh, holiday in the year  
33 2000?  
34  
35 BADAT: Yes.  
36  
37 BITKOWER: And how long were those celebrations?  
38  
39 BADAT: Approximately three to four days.  
40  
41 BITKOWER: And were you present for those celebrations?  
42  
43 BADAT: Yes.  
44  
45 BITKOWER: And can you describe what activity or activities took place over those three or four days  
46 at the Matar?  
47 36:25  
48 BADAT: There were get-togethers, uh, feasts, uh, during the get-togethers. There were sing-  
49 alongs, recitations of the Koran, motivational speeches, uh, because it was the Ede of  
50 Sacrifice there was a lot of animal slaughter and there was also a sports event.  
51  
52 BITKOWER: And what kind of sports event?  
53  
54 BADAT: Uh, various events like 100 meter dash for various age groups, uh, a long-jump event, a  
55 high-jump event, even a horse race.  
56

SpeakerTranscription

1 BITKOWER: All right and did you know other individuals present at this celebration besides Jafar?  
2  
3 BADAT: Yes.  
4  
5 BITKOWER: Uh, and without naming those individuals, what sorts of individuals were present?  
6 36:57  
7 BADAT: Uh, they ranged from, uh, uh, hardcore -- who I call hardcore kind of members, people,  
8 uh, alongside bin Laden. There were also other people on a slightly lower level, um, who  
9 took various responsibilities in Afghanistan, like taking charge of guest houses. Uh, there  
10 were also, um, people that had just attended training camps and training courses.  
11  
12 BITKOWER: And, uh, was it among these individuals that you first saw Jafar?  
13  
14 BADAT: Yes.  
15  
16 BITKOWER: Okay. I'm gonna ask you to focus now on the encounters you had with Jafar in 2001.  
17  
18 BADAT: Okay.  
19  
20 BITKOWER: When was the next time that you saw Jafar?  
21  
22 BADAT: I met him in the guest house at the beginning of spring in the year 2001.  
23  
24 BITKOWER: When you say the guest house, what guest house are you referring to?  
25  
26 BADAT: This was the guest house in Kandahar.  
27  
28 BITKOWER: Okay and where were you staying at the time?  
29  
30 BADAT: At the time I believe I was also staying in the guest house.  
31  
32 BITKOWER: And what were you doing if anything at the guest house?  
33 37:50  
34 BADAT: I believe I had returned from Karachi. I had gone to Karachi, uh, to recuperate following  
35 an injury training. I returned from Karachi and I was residing at this guest house.  
36  
37 BITKOWER: And, uh, is Karachi a city in Pakistan?  
38  
39 BADAT: Yes.  
40  
41 BITKOWER: And you had returned from Pakistan to Afghanistan?  
42  
43 BADAT: Yes.  
44  
45 BITKOWER: Where you were residing at a guest house in Kandahar?  
46  
47 BADAT: Yes.  
48 38:10  
49 BITKOWER: And while you were residing at the guest house, did you receive yourself any assignments  
50 from bin Laden's group?  
51  
52 BADAT: At this time I was called, uh, by Saif al-Adl and Abu Hafs and they presented me with  
53 specific assignment.  
54  
55 BITKOWER: And what was that specific assignment?  
56

SpeakerTranscription

1 BADAT: That was to collect intelligence on, uh, various, uh, Jewish locations in the country of  
2 South Africa to be seen as a -- to be viewed as potential targets.  
3  
4 BITKOWER: Uh, viewed by who as potential targets?  
5  
6 BADAT: By -- by al-Qaeda, by the organization.  
7  
8 BITKOWER: And what was your particular assignment with respect to those potential targets?  
9  
10 BADAT: Uh, to collect -- to collect information, um, on potential targets.  
11  
12 BITKOWER: And provide that information to who?  
13  
14 BADAT: To, uh, to al-Qaeda, uh, but in particular Saif al-Adl and Abu Hafs.  
15  
16 BITKOWER: And did you agree to do that?  
17  
18 BADAT: Yes.  
19 38:58  
20 BITKOWER: Um, in furtherance of that mission or assignment, did you obtain any training?  
21  
22 BADAT: Yes.  
23  
24 BITKOWER: And what training was that?  
25  
26 BADAT: I was placed on an intelligence course.  
27  
28 BITKOWER: And can you describe what sorts of things you were taught during intelligence course?  
29  
30 BADAT: We taught about how to interact, how to present ourselves, how to, um, form our  
31 appearance, um, how to collect, uh, information on places, how to film places and even  
32 make reports.  
33  
34 BITKOWER: And --  
35  
36 BADAT: On -- on our findings.  
37  
38 BITKOWER: And when was it during this time period that you encountered Jafar?  
39  
40 BADAT: Uh, at this similar, uh, period, uh, the beginning of spring 2001.  
41  
42  
43 39:38  
44 BITKOWER: Okay. And when you encountered him, did his appearance, uh, was it the same or was it  
45 any different from the previous time you had encountered him?  
46  
47 BADAT: It was different in the sense that his beard was trimmed.  
48  
49 BITKOWER: Um, can you describe what it is you recall about your initial interactions with Jafar in  
50 2001?  
51  
52 BADAT: I recall, uh, my understanding was that he had returned from abroad because of his  
53 trimmed beard and I hadn't seen him for some time. Uh, also at this stage we were  
54 discussing, um, translating the video that we mentioned earlier, the Monkey Bar video.  
55  
56 BITKOWER: Uh, when you say translating it, translating it from what language into what language?

<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: From Arabic into English?
3	
4	BITKOWER: Okay now this Monkey Bar video, uh, as you've just referred to it, first of all was it
5	referred to the Monkey Bar video at the time?
6	
7	BADAT: No we referred to it as the Cole Video.
8	
9	BITKOWER: And at the time, uh, that is approximately spring of 2001 were you familiar with that
10	video?
11	
12	BADAT: Yes.
13	
14	BITKOWER: And while you were in Afghanistan, had you actually watched that video?
15	
16	BADAT: Yes.
17	
18	BITKOWER: Had you watched it on one occasion or more than one occasion?
19	
20	BADAT: More than one occasion.
21	
22	BITKOWER: And -- and when you had watched it, again prior to those encounters with Jafar in 2001,
23	in what language was that video?
24	
25	BADAT: It was in Arabic.
26	
27	BITKOWER: And can you describe generally what was depicted on that video?
28	40:50
29	BADAT: It -- it began with scenes from across the Muslim broad, of, uh, Muslims being oppressed
30	then it went on. Then you -- uh, there were also lots of speeches from people of Osama
31	bin Laden discussing these issues, discussing this situation. And also went onto, um,
32	describing what they believe as a solution to these problems, uh, one of which was
33	training for Jihad, hence there were pictures of all of the people, uh, undertaking their
34	training in these various training camps mentioned.
35	
36	BITKOWER: Okay and, uh, was this video again associated with a particular group or organization?
37	
38	BADAT: Yes. It was associated with bin Laden and his group.
39	
40	BITKOWER: And was bin Laden himself actually depicted on this video?
41	
42	BADAT: Yes.
43	41:36
44	BITKOWER: Now I'm gonna show the witness what's been marked for identification as Government
45	Exhibit 101, which is also a compact disc. First of all, Mr. Badat, do you recognize the
46	disc?
47	
48	BADAT: Yes.
49	
50	BITKOWER: How do you recognize the disc?
51	
52	BADAT: Uh, through my initials on the disc.
53	
54	BITKOWER: And, uh, prior to today, have you been provided an opportunity to view this disc and a --
55	and a video clip on that disc?
56	

SpeakerTranscription

1 BADAT: Uh, yes.  
2 41:55  
3 BITKOWER: Okay. Showing that to Counsel. It's Government Exhibit 101 and I'm gonna put that in  
4 the computer now and first show it to the witness. Do you want to come around behind  
5 him as well? And the record should reflect that, uh, Defense Counsel now is also behind  
6 the witness although it does not appear on the video screen. And I am now playing for  
7 the witness, uh, the only file on the -- on the compact disc.  
8  
9 Video plays for the witness.  
10  
11 BITKOWER: And Mr. Badat, do you recognize the video, uh, of which we just played the one minute  
12 and thirty seconds?  
13  
14 BADAT: Yes.  
15  
16 BITKOWER: And how do you recognize that video?  
17  
18 BADAT: I recognize that as what I describe as the Monkey Bar video.  
19  
20 BITKOWER: And that's a video you had previously seen in Afghanistan?  
21  
22 BADAT: Yes.  
23  
24 BITKOWER: Uh, I only played one minute and thirty seconds. Prior to today, have you had the chance  
25 to, uh, view the entire video file on Government's Exhibit 101?  
26  
27 BADAT: Yes.  
28 47:04  
29 BITKOWER: Okay and do you recognize that entire file as a video you had seen before in Afghanistan?  
30  
31 BADAT: Yes.  
32  
33 BITKOWER: Uh, I'll move that into evidence as well for the purpose of this deposition. Now, you  
34 mentioned, uh, when you were first talking to Jafar in 2001, you had some discussion  
35 about this video.  
36  
37 BADAT: Yes.  
38 47:20  
39 BITKOWER: What was that discussion?  
40  
41 BADAT: Uh, the discussion was regarding the translation of this video, um, into Arabic or, uh,  
42 producing an English version of this video.  
43  
44 BITKOWER: Okay and who was it who brought that up if you can recall?  
45  
46 BADAT: I believe that it was him that brought it up. Although I will say it was an idea that I had  
47 and also, um, this other individual Abu Harith al-Filipini, uh, who did the, uh, who did the,  
48 uh, insertions or the subtitles.  
49  
50 BITKOWER: That other person also was involved in translating it?  
51  
52 BADAT: Yes.  
53  
54 BITKOWER: Okay can you spell that name, Abu Harith?  
55 48:00  
56 BADAT: Uh, A-B-U H-A-R-I-T-H.

<u>Speaker</u>	<u>Transcription</u>
1	
2 BITKOWER:	Okay.
3	
4 BADAT:	Abu Harith.
5	
6 BITKOWER:	And when you and, uh, Jafar discussed the idea of translating this video into English --
7	
8 BADAT:	Yes.
9	
10 BITKOWER:	The last question I asked you, uh, we were discussing the, uh, translation of the, uh,
11	propaganda video from Arabic into English. Is that correct?
12	
13 BADAT:	That's correct.
14	
15 BITKOWER:	And you were discussing this concept with Jafar, uh, himself, correct?
16	
17 BADAT:	Yes.
18	
19 BITKOWER:	And in those discussions did you discuss, uh, what type or sort of English to translate it
20	into?
21 1:23:58	
22 BADAT:	Uh, yes, uh, uh, we decided an English translation, one English version of this video
23	should be produced. And that, uh, it should be as accurate as possible and also
24	understandable even to people with a moderate standard of English.
25	
26 BITKOWER:	And what was your purpose in deciding that?
27	
28 BADAT:	Um, so that more and more -- so that, uh, uh, wider, um, audience would have, um,
29	access to it and be able to understand the message from it.
30	
31 BITKOWER:	And when you say it, you're referring to the video?
32	
33 BADAT:	The video, yes.
34	
35 BITKOWER:	Uh, and did there come a time that you actually worked with Jafar to translate that
36	video?
37	
38 BADAT:	Yes.
39	
40 BITKOWER:	And where and when did that occur?
41 1:24:46	
42 BADAT:	I recall two specific occasions, uh, where we worked on this, there may have been more.
43	But two specific occasions. The first located -- the first place where it happened in a
44	house I describe as a small house close to a location I describe as the "Posh House." But
45	in this small house we got together for approximately one to two hours. Jafar had with
46	him, a first proof, which was a translated transcript from the video. And we read it
47	together and made necessary corrections.
48	
49 BITKOWER:	Okay so to follow up on what you just answered, uh, you described, uh, a couple of
50	houses. Are those houses located in Kandahar?
51	
52 BADAT:	Yes.
53	
54 BITKOWER:	And you said Jafar came to you with, uh, a proof of the initial translation?
55	
56 BADAT:	Yes.

Speaker

Transcription

1  
2 BITKOWER: And when Jafar came, uh, was he alone or with anyone else?  
3 1:25:46  
4 BADAT: He was with someone else. He was with an individual I know as Abdullah al-Espani.  
5  
6 BITKOWER: Can you, uh, spell Abdullah al-Espani for us?  
7  
8 BADAT: Abdullah, A-B-D-U-L-L-A-H A-L and E-S-P-A-N-I.  
9  
10 BITKOWER: Okay and when Abdullah and Jafar showed up, what did they have with them?  
11  
12 BADAT: They had with them a copy of this first proof of the English translation of the Monkey Bar  
13 Video.  
14  
15 BITKOWER: And can you estimate approximately, uh, uh, was this -- was it -- withdrawn. Was this,  
16 uh, first proof typewritten, handwritten?  
17  
18 BADAT: I believe it was typed.  
19  
20 BITKOWER: And approximately how long was it?  
21  
22 BADAT: Uh, approximately, uh, 10 pages.  
23  
24 BITKOWER: And had you previously worked to create that proof or was this the first time you were  
25 seeing it?  
26  
27 BADAT: This was the first time I was seeing it.  
28  
29 BITKOWER: And were you able to observe what was written in the proof?  
30  
31 BADAT: Yes.  
32  
33 BITKOWER: And were you able to recognize what it was?  
34  
35 BADAT: Yes.  
36  
37 BITKOWER: And how did you recognize it?  
38 1:26:46  
39 BADAT: I, uh, recognized it, uh, simply because I had viewed the actual video numerous times so I  
40 knew almost, um, to memory, um, the -- the actual original version.  
41 BITKOWER: Okay and what was the proof that -- what was it a proof of?  
42  
43 BADAT: It was, um, translated version of the Monkey Bar Video.  
44  
45 BITKOWER: Okay and what if anything did you and Jafar and Abdullah do with that proof?  
46  
47 BADAT: Uh, we read through it and if, uh, the English didn't seem accurate, we would make  
48 corrections. Uh, we would also make sure that it was on the level of English that we  
49 desired.  
50  
51 BITKOWER: And did you work with Jafar to actually -- to improve that translation?  
52  
53 BADAT: Yes.  
54 1:27:30  
55 BITKOWER: And you said there were a couple of occasions that you recall, um, after this initial  
56 occasion, uh, when was the next one?



<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: The next one was in the Media Center so this time I actually visited, uh, Jafar and
3	Abdullah to work on this transcript. The two of them were residing at this Media Center.
4	
5	BITKOWER: And what did you do at the Media Center with them?
6	
7	BADAT: We performed a similar task. Reading over the transcript and making necessary
8	corrections.
9	
10	BITKOWER: Other than the three of you, uh, that is you, Jafar and Abdullah, did anyone else, uh, work
11	on the English, withdrawn -- on the Arabic to English translation?
12	
13	BADAT: Yes.
14	
15	BITKOWER: Who was that?
16	
17	BADAT: That was Abu Harith, the Filipini?
18	
19	BITKOWER: And that's the individual you mentioned earlier?
20	
21	BADAT: Yes. Uh, that -- that's correct, yeah.
22	1:28:18
23	BITKOWER: And without telling us what anyone else told you, did you ever come to learn if that
24	translation was actually used?
25	
26	BADAT: Yes.
27	
28	BITKOWER: And how did you learn that?
29	
30	BADAT: I actually viewed the finished product --
31	
32	BITKOWER: Okay.
33	
34	BADAT: -- the English version.
35	
36	BITKOWER: And when was that?
37	
38	BADAT: That was approximately two months later from this time.
39	
40	BITKOWER: Where did you view it?
41	BADAT: I viewed it in Kandahar in the Media Center.
42	
43	BITKOWER: And how did you know that it was the translations that you had worked on that had
44	made it in the English version?
45	1:28:42
46	BADAT: I recognized corrections that I had made and, uh, I recognized just, uh, um, sections that
47	we had -- me and Jafar and Abdullah had worked on.
48	
49	BITKOWER: Okay, um, and when you say sections you had worked on, what part of the, uh, video was
50	it that the English showed up on? Was it dubbed?
51	
52	BADAT: Oh, it appeared as subtitles at the bottom of the video.
53	
54	BITKOWER: Okay and are those subtitles visible on Government Exhibit 101 which you just saw?
55	
56	BADAT: On 101, yes.

Speaker

Transcription

1  
2 BITKOWER: And where are they visible on that?  
3  
4 BADAT: They're visible on the bottom of the screen.  
5  
6 BITKOWER: And is that text in the bottom of the screen the text that you and Jafar and Abdullah  
7 actually worked on?  
8  
9 BADAT: Yes.  
10 1:29:21  
11 BITKOWER: Are there other parts of Government Exhibit 101 that you recall working on that you --  
12 that are visible or -- or audible on that video?  
13  
14 BADAT: Uh, yes, so there's a, uh, there's a, um, intro, as introduction at the beginning of the  
15 video. Uh, which is accompanied by a voice-over. So I recognize what the actual intro  
16 which we worked on extensively. And I also recognize the voice of the person doing the  
17 voice-over.  
18  
19 BITKOWER: And -- and what was the voice that you recognized?  
20  
21 BADAT: That voice was that of Abdullah al-Espani.  
22  
23 BITKOWER: Uh, and when we viewed Government Exhibit 101 was there a logo on that video?  
24  
25 BADAT: Yes.  
26  
27 BITKOWER: What was that logo?  
28  
29 BADAT: That logo, uh, was As Sahab Foundation.  
30  
31 BITKOWER: Can you spell As Sabah?  
32  
33 BADAT: A-S S-A-H-A-B.  
34 1:30:07  
35 BITKOWER: And what is the As Sahab Foundation?  
36  
37 BADAT: As Sahab Foundation I believe was the name under which bin Laden propaganda would  
38 be produced.  
39  
40 BITKOWER: Well did you actually see that -- had you seen that logo prior to seeing it on the video?  
41 BADAT: I had seen the Arabic version of the logo on the Monkey Bar Video.  
42  
43 BITKOWER: On the Arabic version of the video?  
44  
45 BADAT: Yes.  
46  
47 BITKOWER: Prior to translating it?  
48  
49 BADAT: Yes.  
50  
51 BITKOWER: Had you ever seen -- had you ever seen the, uh, the English script version of it?  
52  
53 BADAT: Yes. Uh, Abu Harith was showing me samples of it.  
54  
55 BITKOWER: And when he was showing you samples, was that prior to it actually making onto the  
56 video?

<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: Yes.
3	
4	BITKOWER: Uh, and after that date, after your viewing the English language version of this Monkey
5	Bar Video, did you ever see that logo again on other videos?
6	
7	BADAT: Yes.
8	
9	BITKOWER: Where else did you see that logo?
10	1:30:51
11	BADAT: Uh, I recall, uh, seeing it on other videos that I viewed upon my return or following my
12	return to the UK.
13	
14	BITKOWER: And what sorts of videos were those?
15	
16	BADAT: Uh, there was a video with the wheel of one of the hijackers. I believe his name was
17	Ahmad al-Hasnawi and I believe the, uh, the logo, uh, was on this particular video.
18	
19	BITKOWER: That As Sahab logo?
20	
21	BADAT: Yes.
22	
23	BITKOWER: Okay and when you say one of the hijackers, are you referring to one of the 911
24	hijackers?
25	
26	BADAT: Yes.
27	
28	BITKOWER: Based on those interactions with Jafar, did you come to learn what languages he spoke?
29	
30	BADAT: I came to learn that he would speak of both Arabic and English.
31	1:31:25
32	BITKOWER: And were you at this time familiar with different accents in Arabic?
33	
34	BADAT: I believe so, yes.
35	
36	BITKOWER: Okay and were you able to discern what sort of Arabic accent he spoke with when he
37	spoke Arabic?
38	
39	BADAT: Yes, I believe this was, uh, Saudi accent.
40	
41	BITKOWER: Okay. And at this time when you were interacting with Jafar, were you familiar with
42	different, uh, accents in English?
43	
44	BADAT: Yes.
45	
46	BITKOWER: And were you able to discern what sort of accent Jafar had when he was speaking
47	English?
48	
49	BADAT: Yes he had an American accent.
50	
51	BITKOWER: Um, and what about Abdullah al-Espani?
52	1:31:55
53	BADAT: Abdullah al-Espani had, uh, an American accent. His knowledge of Arabic was limited.
54	
55	BITKOWER: Uh, at the time you were interacting with Jafar, did you know if Jafar was his real name?
56	

SpeakerTranscription

1 BADAT: Um, I knew it wasn't his real name.  
2  
3 BITKOWER: How did you know that?  
4  
5 BADAT: It was practice, uh, amongst us in Afghanistan to not use our real names but to use  
6 aliases or what we call kuniyas.  
7  
8 BITKOWER: Okay and how would you spell kuniya?  
9 1:32:19  
10 BADAT: Kuniya, K-U-N-I-Y-A.  
11  
12 BITKOWER: And when you were in Afghanistan, did you use your real name?  
13  
14 BADAT: No.  
15  
16 BITKOWER: What name did you use?  
17  
18 BADAT: I used the -- I used the name Abu Isa al-Pakistani.  
19  
20 BITKOWER: And can you spell that please?  
21  
22 BADAT: Abu Isa, A-B-U I-S-A al-Pakistani, A-L, uh, P-A-K-I-S-T-A-N-I.  
23  
24 BITKOWER: And why did you use the name Abu Isa al-Pakistani rather than your true name?  
25  
26 BADAT: Uh, we did not want to use our true names, uh, in case other people around us were to  
27 be arrested and then they would identify us through our real names.  
28  
29 BITKOWER: Uh, do you use names besides Abu Isa while you were in Afghanistan?  
30  
31 BADAT: Uh, yes, for a period of time in Jalalabad, I used a different name.  
32  
33 BITKOWER: Um, you mentioned earlier that Jafar's full name as you knew it was Jafar al-Tayyar?  
34  
35 BADAT: Yes.  
36  
37 BITKOWER: Can you, uh, does that have a meaning?  
38  
39  
40  
41 1:33:10  
42 BADAT: Uh, Jafar is, uh, know the -- know the actual name of Jafar but the whole name Jafar al-  
43 Tayyar is referred to one of the companions of the prophet Mohammed. And there's an  
44 incident because Tayyar means the flier so it's a specific incident referred to in this  
45 particular name.  
46  
47 BITKOWER: Um, now you mentioned that, um, you had been assigned by, uh, leaders of the bin  
48 Laden group to perform a -- uh, a mission operation to South Africa?  
49  
50 BADAT: Yes.  
51  
52 BITKOWER: Um, and you also mentioned you took a training class in furtherance of that mission?  
53  
54 BADAT: Yes.  
55  
56 BITKOWER: Did you do anything else in furtherance of that mission?

	<u>Speaker</u>	<u>Transcription</u>
1		
2	BADAT:	Uh, yes.
3		
4	BITKOWER:	What was that?
5		
6	BADAT:	I did some online research, uh, when visiting Karachi.
7		
8	BITKOWER:	When was it you traveled to Karachi?
9	1:33:53	
10	BADAT:	Uh, later spring. Uh, late spring in the year of 2001.
11		
12	BITKOWER:	Okay and what if anything did you do in Karachi?
13		
14	BADAT:	Uh, in Karachi I, uh, did some online research on potential Jewish targets in the country of South Africa.
15		
16		
17	BITKOWER:	Okay and did there come a time that you returned from Karachi back to Afghanistan?
18		
19	BADAT:	Yes.
20		
21	BITKOWER:	And to where in Afghanistan?
22		
23	BADAT:	I returned to the Media Center in Kandahar.
24		
25	BITKOWER:	And upon your return to the Media Center in Kandahar, was this the Media Center again, uh, affiliated with the bin Laden group?
26		
27		
28	BADAT:	Yes.
29		
30	BITKOWER:	Did you see Jafar at that time?
31		
32	BADAT:	Yes.
33		
34	BITKOWER:	And where was it that you saw him?
35	1:34:28	
36	BADAT:	He was the first -- his was the first face that I saw when entering the guest, uh, the Media Center -- sorry.
37		
38		
39	BITKOWER:	And can you describe, uh, if -- if and how he greeted you?
40		
41	BADAT:	Uh, he greeted me with a, uh, celebratory gesture, uh, mimicking gunshots in the air.
42		
43	BITKOWER:	And when you had returned to Kandahar from Karachi, where was it that you stayed?
44		
45	BADAT:	I stayed at the Media Center.
46		
47	BITKOWER:	And what were you doing at the Media Center at this time?
48		
49	BADAT:	At the Media Center apart from waiting for following orders, uh, from -- waiting for further orders from Saif al-Adl or Abu Hafs, uh, uh, Abu -- Abu Harith, um, asked me to translate some of bin Laden's sermons into English.
50		
51		
52		
53	BITKOWER:	From what language into English?
54		
55	BADAT:	From Arabic into English.
56		

SpeakerTranscription

1 BITKOWER: Um, and this was -- you mentioned earlier that there was multiple locations where the  
2 Media Center existed.  
3  
4 BADAT: Yes.  
5  
6 BITKOWER: Which location was this?  
7 1:35:19  
8 BADAT: This was the second location in 2001, uh, near the town center of Kandahar.  
9  
10 BITKOWER: And when you say the second location 2001, would that be the third location overall?  
11  
12 BADAT: Yes.  
13  
14 BITKOWER: Uh, and can you describe what that Media Center looked like?  
15  
16 BADAT: Uh, the Media Center had a big courtyard. Um, in -- in front of the house and behind the  
17 house, uh, there -- it was just one floor with several rooms. However, there was also a  
18 basement section where, uh, a lot of the equipment would be kept because it would be  
19 cooler there. There were two large rooms, one in which Abu Harith was working, uh, one  
20 with lots of, um, VHS recorders and tapes, uh, VCRs and there were also two smaller  
21 rooms; one of which I was working in.  
22  
23 BITKOWER: And, um, what was in those rooms, what sort of equipment are you talking about?  
24  
25 BADAT: The smaller rooms just had regular PCs, desktops.  
26  
27 BITKOWER: And where did you sleep when you were staying at the Media Center?  
28  
29 BADAT: I would sleep sometimes in the basement area if it was hot or sometimes anywhere else  
30 in the house.  
31  
32 BITKOWER: And was this Media Center open to the public in Kandahar?  
33 1:36:22  
34 BADAT: No. Only, mm, uh, it would -- it was only open to trusted people, uh, trusted by, uh,  
35 whoever was in charge of the guest house. At that time I believe it was Abu Harith.  
36  
37 BITKOWER: Um, and where was Jafar staying at this time?  
38  
39 BADAT: Jafar was also staying at the Media Center.  
40  
41 BITKOWER: And during what period of time approximately did you and Jafar both stay at the same  
42 Media Center?  
43  
44 BADAT: Uh, during this same period, uh, during, uh, between the months coinciding with spring  
45 2001 up until the summer, up until August, actually and September.  
46  
47 BITKOWER: Of 2001?  
48  
49 BADAT: Yes.  
50  
51 BITKOWER: And what if anything did you observe Jafar doing during that time period while he was at  
52 the Media Center?  
53 1:37:05  
54 BADAT: Uh, when I was doing my work, I, uh, I know that he was working in the room adjoining  
55 my room, uh, also working on the desktop, uh, but I don't know exactly what he was  
56 doing on his computer.

<u>Speaker</u>	<u>Transcription</u>
1	
2 BITKOWER:	Did you see him, um, with any books?
3	
4 BADAT:	I did once see him, uh, with a guide book to Panama.
5	
6 BITKOWER:	And when you say guide book, what sort of guide book are you talking about?
7	
8 BADAT:	It was under the Lonely Planet brand. Uh, uh, I just noticed him reading this guide book.
9	
10 BITKOWER:	So that would be a tourist guide book to Panama?
11	
12 BADAT:	Yes, a tourist guide book.
13	
14 BITKOWER:	Uh, and did there come a time that you, uh, again left Afghanistan?
15	
16 BADAT:	Yes.
17	
18 BITKOWER:	When was that?
19	
20 BADAT:	I left Afghanistan I believe at the beginning of September 2001.
21	
22 BITKOWER:	And why was it you left Afghanistan?
23	
24 BADAT:	I had been tasked by Abu Hafs and Saif al-Adl to travel to Belgium.
25	
26 BITKOWER:	And were you directed to meet with anyone in Belgium?
27	
28 BADAT:	Yes.
29	
30 BITKOWER:	Who were you directed to meet with?
31	
32 BADAT:	I was directed to me, uh, an individual, uh, who, uh, an individual, uh, who I was told, uh,
33	whose name I was told was Qaqa Tunisi.
34	
35 BITKOWER:	Can you spell Qaqa.
36 1:38:18	
37 BADAT:	Q-A-Q-A.
38	
39 BITKOWER:	Um, and did you actually travel to Belgium?
40	
41 BADAT:	Yes.
42	
43 BITKOWER:	And where were you on September 11th of 2001?
44	
45 BADAT:	I was in Belgium.
46	
47 BITKOWER:	And, uh, did you become aware of the September 11th attacks?
48	
49 BADAT:	Yes.
50	
51 BITKOWER:	Um, and was that through the news media?
52	
53 BADAT:	Yes.
54	
55 BITKOWER:	After the September 11th attacks, did you remain in Belgium or did you do something
56	else?

Speaker

Transcription

1  
2 BADAT: Um, I remained in Belgium for a few days.  
3  
4 BITKOWER: Did there come a time when you left Belgium?  
5  
6 BADAT: Yes.  
7  
8 BITKOWER: When was that?  
9 1:38:44  
10 BADAT: Uh, about, uh, the end -- uh, the -- around about the 20th of September, 2001.  
11  
12 BITKOWER: And where did you go?  
13  
14 BADAT: I returned to Afghanistan.  
15  
16 BITKOWER: Um, and when you returned to Afghanistan after the September 11th attacks, uh, where  
17 in Afghanistan did you refer -- return to?  
18  
19 BADAT: I returned first to Kandahar, uh, then Saif al-Adl sent me to the Kabul/Jalalabad area to  
20 meet Abu Hafs.  
21  
22 BITKOWER: And after September 11th, did you see Jafar again in Afghanistan?  
23  
24 BADAT: Yes.  
25  
26 BITKOWER: Uh, approximately how many times and what locations?  
27 1:39:19  
28 BADAT: Um, I record three specific times, um, I -- two of which I record the actual location, uh,  
29 where we met or spoke.  
30  
31 BITKOWER: And what were those locations?  
32  
33 BADAT: Uh, one location was the Media Center, uh, I remember sitting with him at breakfast  
34 time.  
35  
36 BITKOWER: And what was the other location you remember?  
37  
38 BADAT: The other location was outside the house where Abu Hafs had been killed.  
39  
40  
41 BITKOWER: And, um, and you also said there was a third conversation which you can't remember  
42 where that occurred?  
43 1:39:52  
44 BADAT: Yes, there was a con -- a specific conversation I recall with him. I do not recall the exact  
45 location where it happened.  
46  
47 BITKOWER: Um, after the September 11th attacks did there come a time when the United States  
48 began, uh, a bombing campaign in Afghanistan?  
49  
50 BADAT: Yes.  
51  
52 BITKOWER: Uh, and were you present in Kandahar at that time?  
53  
54 BADAT: Yes.  
55  
56 BITKOWER: And was Jafar present in Kandahar at that time?



<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: Yes.
3	
4	BITKOWER: Can you, umm describe when was the last time you saw Jafar?
5	1:40:20
6	BADAT: The last time I believe I saw Jafar was the morning following the Abu Hafs' killing.
7	
8	BITKOWER: Can you explain what you mean by the Abu Hafs' killing?
9	
10	BADAT: Uh, Abu Hafs, number two to bin Laden, he was in location in Kandahar, uh, this actual
11	location was bombed by American aircraft. There was a crowd outside the house. Uh,
12	remember meeting numerous people there, one of whom was Jafar al-Tayyar.
13	
14	BITKOWER: And did you have any conversation with him at that point?
15	
16	BADAT: Yes.
17	
18	BITKOWER: And what was that?
19	
20	BADAT: Uh, Jafar commented on how accurate, uh, the bombing was to the extent that the
21	neighboring house hadn't even been touched.
22	
23	BITKOWER: You, uh, testified earlier that you agreed to undertake various tasks or operations on
24	behalf of bin Laden's group or al-Qaeda.
25	
26	BADAT: Yes.
27	
28	BITKOWER: Okay, um, you mentioned, uh, a particular assignment involving South Africa.
29	
30	BADAT: Yes.
31	
32	BITKOWER: And who was it who assigned you to do something in relation to South African and what
33	were you assigned to do?
34	1:41:19
35	BADAT: Abu Hafs and Saif al-Adl gave me the assignment. Uh, they asked me to travel to South
36	Africa in order to collect, um, intelligence on potential Jewish targets.
37	
38	BITKOWER: And did you agree to do that?
39	
40	BADAT: Yes.
41	BITKOWER: And when you were asked to collect, uh, intelligence related to potential Jewish targets
42	in South Africa, what was your understanding of what the purpose was of collecting that
43	intelligence?
44	
45	BADAT: My understanding was that, uh, they were selecting targets for terrorist operations.
46	
47	BITKOWER: And did you actually prepare anything in response to that assignment?
48	
49	BADAT: I prepared, uh, an initial report based on any Internet research I had undertaken.
50	
51	BITKOWER: And what did you do with that report?
52	
53	BADAT: I handed it to Saif al-Adl.
54	
55	BITKOWER: Um --
56	

	<u>Speaker</u>	<u>Transcription</u>
1	GOTTLIEB:	I'm sorry he handed it to?
2		
3	BADAT:	Saif al-Adl.
4		
5	BITKOWER:	Saif al-Adl is one of the leaders you mentioned earlier?
6		
7	BADAT:	Yes.
8		
9	BITKOWER:	Um, and at the time, um, fast-forwarding that, at the time, um, you left Afghanistan, did
10		you know if anything had been done in furtherance of that plan?
11	1:42:15	
12	BADAT:	Um, I -- uh, uh, I believe it was, is unlikely but I'm not 100 percent sure.
13		
14	BITKOWER:	Um, you also mentioned traveling to Belgium in approximately September of 2001.
15		
16	BADAT:	Yes.
17		
18	BITKOWER:	And who was it who asked you to do that?
19		
20	BADAT:	Abu Hafs and Saif, Saif al-Adl.
21		
22	BITKOWER:	And, um, at the time -- did you agree to do that?
23		
24	BADAT:	Yes.
25		
26	BITKOWER:	And at the time you agreed to do that, did you have an understanding of what the
27		purpose was of the trip?
28		
29	BADAT:	Uh, yes.
30		
31	BITKOWER:	What was that?
32	1:42:42	
33	BADAT:	I believe I had to make contact with someone who was planning a terrorist operation.
34		
35	BITKOWER:	And did you agree to help in that -- in that op -- in that regard?
36		
37	BADAT:	Yes.
38		
39	BITKOWER:	Um, you also mentioned receiving explosives training in Afghanistan?
40		
41	BADAT:	Yes.
42		
43	BITKOWER:	Um, did there also come a time when you actually provided explosives training?
44		
45	BADAT:	Yes.
46		
47	BITKOWER:	And when you provide explosives training, uh, was that on behalf of bin Laden's group or
48		a different group?
49		
50	BADAT:	It was on behalf of the individual running the actual camp.
51		
52	BITKOWER:	And who was that?
53		
54	BADAT:	That was, uh, I believe his name was Abu Khabab.
55		
56	BITKOWER:	And how would you spell Abu Khabab?

<u>Speaker</u>	<u>Transcription</u>
1 1:43:16	
2 BADAT:	A-B-U K-H-A-B-A-B.
3	
4 BITKOWER:	Okay and did you actually conduct explosives training on behalf of Abu Khabab?
5	
6 BADAT:	Yes.
7	
8 BITKOWER:	And approximately how many individuals did you train on how to make explosives?
9	
10 BADAT:	Approximately 10 to 15.
11	
12 BITKOWER:	Okay and do you know if any of those 10 to 15 individuals later used any of those
13	explosive skills to kill anyone?
14	
15 BADAT:	Um, I believe it's unlikely but I'm not 100 percent sure.
16	
17 BITKOWER:	Um, you also explained that you were arrested, uh, and convicted of the so-called "Shoe
18	Bomb Plot."
19	
20 BADAT:	Yes.
21	
22 BITKOWER:	Can you describe how that was first, uh, how you first became involved in that plot?
23 1:43:51	
24 BADAT:	I was summoned to Abu Hafs', um, shortly after the September 11th attacks. And Abu
25	Hafs asked me to take an explosive device onboard an airplane, a domestic airline and
26	then detonate it.
27	
28 BITKOWER:	And when you say domestic, domestic of what country?
29	
30 BADAT:	Uh, U -- United States.
31	
32 BITKOWER:	And did -- approximately when was this?
33	
34 BADAT:	Uh, this occurred at the end -- or this occurred approximately the end of September
35	2001.
36	
37 BITKOWER:	Uh, this occurred after the September 11th attacks?
38	
39 BADAT:	Yes.
40	
41 BITKOWER:	And did you agree to do so?
42	
43 BADAT:	Yes.
44	
45 BITKOWER:	Uh, did you ever obtain actual explosives for use in that mission?
46	
47 BADAT:	Yes.
48	
49 BITKOWER:	And from whom did you obtain those explosives?
50 1:44:30	
51 BADAT:	Uh, an individual known as Fathi.
52	
53 BITKOWER:	And would you be able to spell Fathi?
54	
55 BADAT:	F-A-T-H-I.
56	

<u>Speaker</u>	<u>Transcription</u>
1 BITKOWER:	And were you actually given the explosives?
2	
3 BADAT:	Yes.
4	
5 BITKOWER:	And can you describe in what form you were given the explosives?
6	
7 BADAT:	The explosives were concealed in the sole of a shoe.
8	
9 BITKOWER:	And, uh, did you understand what your mission was with the shoe?
10	
11 BADAT:	Yes.
12	
13 BITKOWER:	What was that?
14	
15 BADAT:	It was to take this shoe, uh, onboard an American airline. Uh, and then detonate it.
16	
17 BITKOWER:	Uh, and did you agree to do so?
18	
19 BADAT:	Yes.
20	
21 BITKOWER:	At the time you agreed to do so, did you understand that could mean, uh, killing
22	potentially hundreds of innocent people?
23 1:45:05	
24 BADAT:	Yes.
25	
26 BITKOWER:	Uh, did you, uh, agree to do so alone or with someone else?
27	
28 BADAT:	With someone else?
29	
30 BITKOWER:	And who was that?
31	
32 BADAT:	That was Richard Reid.
33	
34 BITKOWER:	And did there come a time when you met with, uh, other leaders of the bin Laden group
35	about the details of this plot?
36	
37 BADAT:	Yes.
38	
39 BITKOWER:	And which other leaders did you meet with about this particular plot?
40	
41 BADAT:	Osama bin Laden, Abu Hafs, Saif al-Adl, uh, Khalid Sheikh Mohammad.
42	
43 BITKOWER:	Okay and you mentioned, uh, Abu Hafs already is that correct?
44	
45 BADAT:	Yes.
46	
47 BITKOWER:	What was it you met with Saif al-Adl about in regards to this plot?
48	
49 BADAT:	Saif al-Adl I don't recall any specific, uh, directives given about the mission. I just recall
50	him informing me, uh, the whereabouts of the actual device in Kandahar.
51	
52 BITKOWER:	And can you describe what if any meetings you had with Osama bin Laden about this
53	attack?
54 1:45:52	
55 BADAT:	Osama bin Laden, uh, uh, I was called to meet with Osama bin Laden in person. It was
56	just the two of us in the room and he explained to me his justification for the mission.

SpeakerTranscription

1  
2 BITKOWER: And what was it he explained to you?  
3  
4 BADAT: He said that if you had -- if you had a ton of weight on one side of the scale and a ton of  
5 weight on the other side of the scale, if you place one kilo on one side it would weigh  
6 everything down. So he said that the American economy is like a chain. If you break one  
7 -- one link of the chain, the whole economy will be brought down. So after September  
8 11th attacks, this operation will ruin the aviation industry and in turn the whole economy  
9 will come down.  
10  
11 BITKOWER: The economy of the United States?  
12  
13 BADAT: Of the United States.  
14  
15 BITKOWER: Um, and you mentioned you met with an individual named Khalid Sheikh Mohammad  
16 about this attack?  
17  
18 BADAT: Yes.  
19  
20 BITKOWER: And first of all who was Khalid Sheikh Mohammad?  
21  
22 BADAT: Uh, Khalid Sheikh Mohammad, uh, I, uh, he -- uh, Khalid Sheikh Mohammad I've come to  
23 know that, uh, he, uh, had a role in the September 11th attacks. But regarding my  
24 mission he -- it was as if he was giving me final orders before leaving Afghanistan.  
25  
26 BITKOWER: Can you describe the interaction you had with Khalid Sheikh Mohammad about this  
27 mission?  
28 1:47:05  
29 BADAT: Uh, he gave me final orders, me and Richard Reid. Uh, he just gave us advice, uh, on how  
30 to interact with each other, how to contact each other. Um, he gave us specific advice on  
31 trying to refer to printed timetables as opposed to online airplane timetables. Uh, but  
32 the main thing he said was once you reach Karachi, I should make contact with, um,  
33 another individual I came to know as his nephew.  
34  
35 BITKOWER: Okay, um, putting aside anything you may have come to know later in the news media or  
36 through any other source, based solely on your personal interactions with Khalid Sheikh  
37 Mohammad, did you have understanding whether he was a member of bin Laden's group  
38 or al-Qaeda?  
39  
40 BADAT: Yes.  
41 BITKOWER: And what was that understanding?  
42  
43 BADAT: Um, the fact that Abu Hafs had told me to speak to him and he's also his general  
44 interaction with other members like bin Laden.  
45  
46 BITKOWER: And was --  
47  
48 BADAT: Um --  
49  
50 BITKOWER: -- was it your understanding that he actually was a member of that organization?  
51  
52 BADAT: Yes, yes.  
53  
54 BITKOWER: Uh, so you testified Khalid Sheikh Mohammad told you to meet with his nephew in, uh,  
55 Karachi?  
56

<u>Speaker</u>	<u>Transcription</u>
1 BADAT:	Yes.
2	
3 BITKOWER:	And did you actually travel to Karachi to -- for that purpose?
4 1:48:08	
5 BADAT:	Yes.
6	
7 BITKOWER:	Okay. Um, based on all of your interactions with members of bin Laden's group, did you
8	have understanding of what the goals were of that group or of al-Qaeda?
9	
10 BADAT:	Uh, yes.
11	
12 BITKOWER:	And what was your understanding of the goals of the group?
13	
14 BADAT:	Uh, as they were described to wage war or violent jihad against the West.
15	
16 BITKOWER:	And when I say -- when you say war or violent jihad, does that include killing civilians?
17	
18 BADAT:	Yes.
19	
20 BITKOWER:	Uh, and did you, knowing those goals, did you agree to support those goals?
21	
22 BADAT:	Yes.
23	
24 BITKOWER:	Um, and you mentioned earlier that there had been an attack by the, uh, the
25	organization the U.S.S. Cole Destroyer?
26	
27 BADAT:	Yes.
28	
29 BITKOWER:	And did you become aware of that attack while you were in Afghanistan?
30	
31 BADAT:	Yes.
32	
33 BITKOWER:	Uh, even after that attack, did you agree to support those goals?
34	
35 BADAT:	Yes.
36	
37 BITKOWER:	Uh, you also testified that you became aware of the September 11th attacks while you
38	were in Belgium?
39 1:49:00	
40 BADAT:	Yes.
41 BITKOWER:	And did you return to Afghanistan after becoming aware of that attack?
42	
43 BADAT:	Yes.
44	
45 BITKOWER:	Um, and did you agree to continue supporting the goals of al-Qaeda even after being
46	aware of the September 11th attacks?
47	
48 BADAT:	Yes.
49	
50 BITKOWER:	Having traveled to Afghanistan to Karachi, um, first of all did you travel alone or with
51	others?
52	
53 BADAT:	I traveled with others.
54	
55 BITKOWER:	Who else did you travel with?
56	

	<u>Speaker</u>	<u>Transcription</u>
1	BADAT:	I traveled with Richard Reid. I traveled with families that were vacating Afghanistan. I
2		also record traveling with a group of Malaysians.
3		
4	BITKOWER:	And approximately when was this?
5		
6	BADAT:	This was at the end of 2001, uh, the last weeks of November, beginning of December.
7		
8	BITKOWER:	Did you have direct interactions with -- with members of this Malaysian group?
9		
10	BADAT:	Yes.
11	1:49:43	
12	BITKOWER:	And based on those direct interactions did you learn, uh, if they had any particular
13		assignment or task?
14		
15	BADAT:	Yes.
16		
17	BITKOWER:	And what did you learn about their assignment or tasks?
18		
19	BADAT:	I learned that they had a group, uh, ready to perform a similar hijacking to 9/11.
20		
21	BITKOWER:	Um, and, uh, did you learn that and knowing that, did you agree to assist them?
22		
23	BADAT:	Yes.
24		
25	BITKOWER:	And did you in fact assist them?
26		
27	BADAT:	Yes.
28		
29	BITKOWER:	How did you assist them?
30	1:50:06	
31	BADAT:	I provided them with one of my shoes because both had been, uh, both had explosives
32		inserted into them.
33		
34	BITKOWER:	So these are the shoes you were given in Kandahar?
35		
36	BADAT:	Yes.
37		
38	BITKOWER:	And you were given two shoes, each of which had explosive devices --
39		
40	BADAT:	Yes.
41	BITKOWER:	-- inserted into them?
42		
43	BADAT:	Yes.
44		
45	BITKOWER:	And you agreed to give one of those to the Malaysians in support of their own, uh,
46		mission?
47		
48	BADAT:	Yes.
49		
50	BITKOWER:	Did there come a time that you left Karachi?
51		
52	BADAT:	Yes.
53	1:50:28	
54	BITKOWER:	Where did you go after Karachi?
55		
56	BADAT:	Uh, after Karachi I eventually ended up in the UK.

Speaker

Transcription

1  
2 BITKOWER: And what were you supposed to do in the UK?  
3  
4 BADAT: Um, in the UK I was, uh, uh, uh, once I reached the UK, the plan was to continue with my  
5 travels. The plan from Karachi was to travel to the UK, continue my travels in pursuance  
6 of this mission.  
7  
8 BITKOWER: Okay and was it at some point you were supposed to board an airplane?  
9  
10 BADAT: Yes.  
11  
12 BITKOWER: And what were you supposed to do once you boarded the airplane?  
13 1:50:54  
14 BADAT: I was supposed to, uh, um, detonate it on, uh, onboard an airplane.  
15  
16 BITKOWER: When you say detonate it, are you referring to the explosive in the shoe?  
17  
18 BADAT: Yeah -- yes.  
19  
20 BITKOWER: Okay. And what was your understanding of what would happen if you detonated the  
21 shoe?  
22  
23 BADAT: Uh, that I would be killed along with everyone in the plane.  
24  
25 BITKOWER: Did you actually do that?  
26  
27 BADAT: No.  
28  
29 BITKOWER: And why or why not?  
30 1:51:15  
31 BADAT: Uh, upon reaching the UK, I decided not to go through with the mission.  
32  
33 BITKOWER: And why was that?  
34  
35 BADAT: Uh, based on a number of factors. Uh, my reluctance to perform the mission, um, my  
36 fear of performing the mission and also the fear of, uh, of the implication for my family.  
37  
38 BITKOWER: Uh, when you decided not to go through with the attack, did you tell, uh, anyone in al-  
39 Qaeda that you were not going to go forward with the attack?  
40  
41 BADAT: Yes.  
42  
43 BITKOWER: And who did you tell?  
44 1:51:42  
45 BADAT: I contacted this same handler in Karachi that I mentioned and I informed him by e-mail  
46 that I would not participate in this mission.  
47  
48 BITKOWER: When you decided not to participate in the mission, did you do anything to try to  
49 persuade Richard Reid not to go forward with his part of the mission?  
50  
51 BADAT: No.  
52  
53 BITKOWER: Did you do anything to try to persuade the Malaysians not to go forward with their part  
54 of the mission?  
55  
56 BADAT: No.



SpeakerTranscription

1  
2 BITKOWER: Uh, at that time, when you had decided not to do the mission, did you alert anyone in  
3 Law Enforcement about the fact that you believed Richard Reid was about to explode an  
4 airplane?  
5  
6 BADAT: No.  
7 1:52:13  
8 BITKOWER: Did you alert anyone in Law Enforcement that the Malaysians you believed were about to  
9 hijack an airplane?  
10  
11 BADAT: No.  
12  
13 BITKOWER: Uh, do you know if Richard Reid succeeded in his attack?  
14  
15 BADAT: Uh, I know that he failed in his attack.  
16  
17 BITKOWER: And how do you know that he failed?  
18  
19 BADAT: Uh, because I saw the news story about him attempting his mission.  
20  
21 BITKOWER: About him being arrested?  
22  
23 BADAT: Yes.  
24  
25 BITKOWER: Uh, uh, did you have any further contact with the Malaysians at this point?  
26  
27 BADAT: No.  
28  
29 BITKOWER: Or at any point in the future?  
30  
31 BADAT: No.  
32 1:52:38  
33 BITKOWER: At the time you decided not to do this attack, did you alert Law Enforcement through the  
34 identities or the locations of any other members of the bin Laden group or any other  
35 jihad leaders at this time?  
36  
37 BADAT: No.  
38  
39 BITKOWER: Uh, did you alert Law Enforcement to any other plots that you might have known about  
40 at this time?  
41  
42 BADAT: No.  
43  
44 BITKOWER: Uh, after you decided not to go through with the attack, what if anything did you do with  
45 the explosive shoe?  
46  
47 BADAT: I dismantled the device, uh, and immobilized it, uh, the footwear I, uh, disposed of.  
48 However, the actual device I kept two separate components in, uh, different places. I  
49 kept, well I kept the actual device in essence.  
50  
51 BITKOWER: Where did you keep them?  
52 1:53:17  
53 BADAT: Um, kept them in different suitcases that I always kept with me.  
54  
55 BITKOWER: Um, why did you not throw away or otherwise dispose of the explosives?  
56

Speaker

Transcription

1 BADAT: Uh, whilst, uh, I had not undertaken the mission, the actual ideology, the al-Qaeda  
2 ideology or jihadist ideology I had not abandoned so that principle of remaining armed  
3 stayed with me.  
4  
5 BITKOWER: Uh, is -- that is you kept the explosives in the event you might wish to use them again in  
6 furtherance of jihad?  
7  
8 BADAT: Yes.  
9  
10 BITKOWER: Did there come a time that you were arrested?  
11  
12 BADAT: Yes.  
13  
14 BITKOWER: And approximately when was that?  
15 1:53:48  
16 BADAT: That was at the end of 2003, November.  
17  
18 BITKOWER: Okay.  
19  
20 BADAT: 2003.  
21  
22 BITKOWER: And at the time you were arrested, where were the explosive?  
23  
24 BADAT: Explosive were where I was residing in my parents' house.  
25  
26 BITKOWER: And, uh, without telling us anything you may have said to the authorities upon arrest, did  
27 you show them or lead them to anything?  
28  
29 BADAT: Yes.  
30  
31 BITKOWER: And what was that?  
32  
33 BADAT: I led them to the actual explosive devices.  
34  
35 BITKOWER: Did there come a time when you were charged with any crimes in the United Kingdom?  
36  
37 BADAT: Yes.  
38  
39 BITKOWER: And what were you charged with?  
40  
41 1:54:12  
42 BADAT: I was charged with conspiracy to harm an aircraft.  
43  
44 BITKOWER: And were you charged with one count or more than one count?  
45  
46 BADAT: I was charged with three counts I believe.  
47  
48 BITKOWER: And what was your understanding at the time the maximum sentence you could face on  
49 those charges?  
50  
51 BADAT: I believe the maximum sentence was life.  
52  
53 BITKOWER: When you were initially charged, were you offered an opportunity to cooperate with the  
54 UK authorities?  
55  
56 BADAT: Yes.

SpeakerTranscription

1  
2 BITKOWER: And, uh, did you agree to do so?  
3 1:54:31  
4 BADAT: Yes.  
5  
6 BITKOWER: And at the time, uh, you were offered an opportunity, did you have an understanding  
7 that you could receive benefits from cooperation?  
8  
9 BADAT: Yes.  
10  
11 BITKOWER: And what was your understanding of the benefits you could receive?  
12  
13 BADAT: Um, I was told that it would help my case. Uh, I -- I also knew that we still had the trial  
14 pending, uh, but I was told that if it was to come to a case that you were being -- that you  
15 were found guilty and being sentenced it would help my cause. So I understood from  
16 that a reduction in a potential sentence.  
17  
18 BITKOWER: And were you aware of one potential type of cooperation or two types?  
19  
20 BADAT: I was informed of two types of cooperation.  
21  
22 BITKOWER: And what were those?  
23  
24 BADAT: Uh, one was not -- I would just give information on my involvement and my activities, uh,  
25 the other option was I in full cooperation including giving evidence against people in  
26 courts.  
27  
28 BITKOWER: Okay. Mr. Badat, I had just asked you if you were aware after your arrest in the UK  
29 whether you were aware of, uh, two different types of cooperation you could offer. Do  
30 you recall that?  
31  
32 BADAT: Yes.  
33  
34 BITKOWER: And what were those two types?  
35  
36 BADAT: Um, I was told there was one type whereby I could -- I need only provide information  
37 about my previous activities. Uh, there was another type whereby I entered into full  
38 cooperation which included giving evidence against people in court.  
39  
40 BITKOWER: And did you choose one of those two types?  
41  
42 BADAT: Yes.  
43  
44 BITKOWER: And which one did you choose?  
45  
46 BADAT: I chose the first type.  
47  
48 BITKOWER: Okay, uh, and that's the type of only providing information but not testifying or providing  
49 evidence in court?  
50  
51 BADAT: Yes.  
52  
53 BITKOWER: Um, and pursuant to that type of cooperation, did you actually engage in meetings with  
54 UK authorities?  
55  
56 BADAT: Yes.

SpeakerTranscription

1  
2 BITKOWER: Um, and without saying, uh, what you may have told the authorities, were you fully  
3 honest with the authorities?  
4  
5 BADAT: Um, I was told because I had a potential trial pending, I was informed by authorities that,  
6 um, I don't recall but I don't recall the actual words they used, the authorities they used.  
7 My understanding was that I should not, uh, implicate myself. I should not talk about my  
8 own mission for which I'm charged and, uh, if I have to talk about things that I was  
9 involved in which are potentially incriminating then I should talk about them in the third  
10 party.  
11  
12 BITKOWER: Um, and did you do that?  
13  
14 BADAT: Yes.  
15  
16 BITKOWER: And other than talking about things in the third party, did you also add, uh, other things  
17 that weren't fully true?  
18  
19 BADAT: Uh, yes.  
20  
21 BITKOWER: And could you give an example of that?  
22  
23 BADAT: So for example, um, when I talk about the South Africa mission and that there was a  
24 document I did say that there was -- my aim was to just mention there existed a  
25 document detailing, um, potential Jewish targets in South Africa. However, the way I  
26 brought this up was by saying I stumbled across it.  
27  
28 BITKOWER: And -- and in fact you had created that document?  
29  
30 BADAT: Yes.  
31  
32 BITKOWER: And it was not true that you had just stumbled across it?  
33  
34 BADAT: Yes.  
35  
36 BITKOWER: Uh, in those meetings did you also, um, protect certain people?  
37  
38 BADAT: Uh, there was a time at the beginning of these discussions that I would, um, claim  
39 ignorance of people or at least one person I particularly remember, I claimed ignorance of  
40 him, uh, initially but then I, uh, told him I knew who he was -- who -- told him who he  
41 was.  
42  
43 BITKOWER: Uh, but at the time you claimed ignorance, you in fact did know who it was?  
44  
45 BADAT: I did.  
46  
47 BITKOWER: And you falsely stated you did not know who it was?  
48  
49 BADAT: Yes.  
50  
51 BITKOWER: Did there come a time --  
52  
53 BADAT: This was because, uh, this -- uh, I put down to -- this was at the right -- at the beginning of  
54 these discussions. Um, so I was still getting used to this kind of process.  
55  
56 BITKOWER: Um, did there come a time that you pleaded guilty in the United Kingdom?

	<u>Speaker</u>	<u>Transcription</u>
1		
2	BADAT:	Yes.
3		
4	BITKOWER:	And did there come a time when you -- which -- which crime did you plead guilty?
5		
6	BADAT:	I pleaded guilty to conspiracy to harm an aircraft.
7		
8	BITKOWER:	Okay and did there come a time that you were sentenced?
9		
10	BADAT:	Yes.
11		
12	BITKOWER:	And, uh, what sentence did you receive?
13		
14	BADAT:	I received the sentence of 13 years imprisonment.
15		
16	BITKOWER:	And did you understand that that sentence included credit for the cooperation you provided?
17		
18		
19	BADAT:	Yes.
20		
21	BITKOWER:	Um, after you were sentenced, were you initially offered another opportunity to cooperate with authorities?
22		
23		
24	BADAT:	Yes.
25		
26	BITKOWER:	And did you initially accept that?
27		
28	BADAT:	No.
29		
30	BITKOWER:	And why did you not accept that?
31		
32	BADAT:	I believed that I had already cooperated and I was happy with my result, with my sentence.
33		
34		
35	BITKOWER:	Uh, that is you received a benefit for your cooperation and you didn't feel the need to cooperate further?
36		
37		
38	BADAT:	Yes.
39		
40	BITKOWER:	Um, did there come a time that you changed your mind and decided to cooperate again?
41		
42	BADAT:	Yes.
43		
44	BITKOWER:	And why was that?
45		
46	BADAT:	Um, I can't remember exactly what year, 2007, more like 2008, but I heard in the media that Khalid Sheikh Mohammad, uh, would be facing trial, uh, so I made it my intention, uh, uh, to, um, give evidence or made it my wish or it was my wish to give evidence against KSM or Khalid Sheikh Mohammad in this trial. Um, I also knew that I had a parole hearing pending in a few years' time. I also knew that I had financial sanctions, uh, restricting, uh, restrict, uh, put -- putting further restrictions on me. I also knew about the indictment, the American indictment on me. So I knew in order to help me with all this, and also as, uh, I felt at the time, almost a moral obligation to give evidence against specifically KSM in this trial.
47		
48		
49		
50		
51		
52		
53		
54		
55		
56	BITKOWER:	Okay. So you described several motivations. First of all you described, uh, a parole

SpeakerTranscription

1 hearing.  
2  
3 BADAT: Yes.  
4  
5 BITKOWER: What was your hope that cooperation, uh, how would that help you with your parole  
6 hearing?  
7  
8 BADAT: Uh, it would give me a favorable decision in the parole hearing.  
9  
10 BITKOWER: You also described financial restrictions that were on you at this time. What were those  
11 restrictions?  
12  
13 BADAT: Um, the UN had put financial restrictions, freezing my assets. At the time it even, uh, uh,  
14 prohibited my family sending me money in prison.  
15  
16 BITKOWER: And what was your hope that cooperation would do to ameliorate those restrictions?  
17  
18 BADAT: Um, my hope was that I would get a favorable parole hearing and, um, uh, it would also  
19 in the long-term help my case because for me, the case was, the real issue was -- the  
20 pressing issue was, um, for me to make it apparent that I hadn't relinquished any al-  
21 Qaeda views. So this was the only way people would be convinced I had done so.  
22  
23 BITKOWER: Now you also mentioned that you had been charged or indicted in the United States?  
24  
25 BADAT: Yes.  
26  
27 BITKOWER: And, um, uh, you had testified earlier that this was for the same, uh, uh, set of events,  
28 the shoe bomb plot?  
29  
30 BADAT: Yeah, sorry can you repeat that question?  
31  
32 BITKOWER: Sure, what was your understanding of what the American charges were for?  
33  
34 BADAT: Uh, for similar charges to, uh, those I'd been charged with in the UK.  
35  
36 BITKOWER: For what activities?  
37  
38 BADAT: For the shoe -- involvement in the shoe bombing plot.  
39  
40 BITKOWER: And did you have understanding of what the potential sentences you faced were if  
41 convicted on those United States charges?  
42  
43 BADAT: Yes, I understood that the maximum sentence was or in fact minimum sentence was life.  
44  
45 BITKOWER: And what was your hope that cooperation could do to help you with your American  
46 charges?  
47  
48 BADAT: Um, anything ranging from, uh, reduction in sentence to even dismissal of the  
49 indictment.  
50  
51 BITKOWER: And this was your hope?  
52  
53 BADAT: Yes.  
54  
55 BITKOWER: Uh, did anyone from the US ever tell you that that would happen?  
56

	<u>Speaker</u>	<u>Transcription</u>
1	BADAT:	No.
2		
3	BITKOWER:	And did anyone ever make any promises at all about the affect of cooperation on your
4		American charges?
5		
6	BADAT:	No.
7		
8	BITKOWER:	Now, did there come a time that you actually did, uh, uh, sign a new cooperation
9		agreement with the United Kingdom authorities?
10		
11	BADAT:	Yes.
12		
13	BITKOWER:	And do you remember approximately when that was?
14		
15	BADAT:	That was approximately in the year 2009.
16		
17	BITKOWER:	And, um, what is your understanding of what you agreed to do in that agreement?
18		
19	BADAT:	Uh, I agreed to cooperate fully with the authorities and this cooperation would include,
20		uh, in -- being involved in discussion, uh, with prosecutors, uh, and other -- with
21		prosecutors and other authorities to use a generic term. And also when required to, um,
22		give evidence people, I'd be required to do that also.
23		
24	BITKOWER:	Okay did you understand whether you were required to assist not only British but also
25		American authorities under that British agreement?
26		
27	BADAT:	Yes.
28		
29	BITKOWER:	Uh, did you understand that you would be required to testify in British, uh, or American
30		proceedings?
31		
32	BADAT:	Yes.
33		
34	BITKOWER:	At the time that you signed that agreement, did you understand that, uh, your testimony
35		could be useful in particular, uh, cases that were pending in the United States?
36		
37	BADAT:	Yes.
38		
39	BITKOWER:	Um, after you agreed to cooperate pursuant to that agreement, did you actually engage
40		in meetings with the UK authorities?
41		
42	BADAT:	Yes.
43		
44	BITKOWER:	Did you also engage in being in -- with American authorities?
45		
46	BADAT:	Yes.
47		
48	BITKOWER:	Uh, did you actually answer questions posed by American and British investigators?
49		
50	BADAT:	Yes.
51		
52	BITKOWER:	And did there come a time that you actually received benefits pursuant to that
53		cooperation agreement?
54		
55	BADAT:	Yes.
56		

Speaker

Transcription

1 BITKOWER: And what benefits were those?  
2  
3 BADAT: I received a further two-year reduction in sentence. I received a favorable parole hearing  
4 and upon release, um, I have also been provided accommodation, also funding for causes  
5 to assist me with my, uh, reintroduction into society.  
6  
7 BITKOWER: Uh, did there come a time when you were in fact released from prison?  
8  
9 BADAT: Yes.  
10  
11 BITKOWER: Uh, approximately when was that?  
12  
13 BADAT: That was in March 2010.  
14  
15 BITKOWER: Okay. And, uh, do you understand that pursuant to that agreement you are bound to  
16 continue to cooperate with British and American authorities?  
17  
18 BADAT: Yes.  
19  
20 BITKOWER: Um, and since that time have you received any, uh financial or other benefits pursuant to  
21 that cooperation?  
22  
23 BADAT: Yes.  
24  
25 BITKOWER: And what, uh, benefits were those?  
26  
27 BADAT: A provision of accommodation and funding for causes, um, which I've mentioned, uh, to  
28 allow me to find employment.  
29  
30 BITKOWER: Um, uh, pursuant to that cooperation has your American indictment been dropped or  
31 does it remain pending?  
32  
33 BADAT: It remains pending.  
34  
35 BITKOWER: Okay and other than the benefits you already receive under that agreement, has anyone  
36 promised you, uh, any additional benefits for -- for cooperation?  
37  
38 BADAT: Uh, no.  
39  
40 BITKOWER: And have you been promised, uh, any benefits in exchange for the testimony in this  
41 proceeding today?  
42  
43 BADAT: No.  
44  
45 BITKOWER: Uh, you mentioned also in your interactions with Jafar, uh, after the September 11th  
46 attacks, that you engaged in -- in -- in -- in, uh, three interactions that you could recall.  
47  
48 BITKOWER: Yes.  
49  
50 BITKOWER: One was referenced in the Kandahar Media Center?  
51  
52 BADAT: Yes.  
53  
54 BITKOWER: And one was the conversation in front of Abu Hafs' house that had been destroyed?  
55  
56 BADAT: Yes.



<u>Speaker</u>	<u>Transcription</u>
1	
2 BITKOWER:	Uh, do you also recall any conversation about the 9/11 attacks themselves?
3	
4 BADAT:	Yes.
5	
6 BITKOWER:	And can you relate that conversation?
7	
8 BADAT:	I recall a conversation, uh, in which we discussed the ease with which Saudi nationals
9	could enter the United States.
10	
11 BITKOWER:	Okay and what -- what prompted that conversation?
12	
13 BADAT:	Uh, general discussion about 9/11 which was, uh, dominant amongst people -- amongst
14	us in Afghanistan at that time. Uh, I remember me commenting, me saying that it was
15	probably easy for Saudis to enter the United States and then his reply, uh, was, uh, to
16	describe how -- to his knowledge there was some kind of drop box system in the
17	American Embassy in Saudi Arabia whereby people could drop their passport into a box
18	with the relevant documentation and then return the same day or the next day, uh, with
19	their required visa.
20	
21 BITKOWER:	I have no further questions for the witness. Mr. Gottlieb?
22	
23 GOTTLIEB:	Thank you very much. Uh, Mr. Badat, you, uh, are how old now?
24	
25 BADAT:	Thirty-three.
26	
27 GOTTLIEB:	I'm sorry?
28	
29 BADAT:	Thirty-three.
30	
31 GOTTLIEB:	And, uh, your family, uh, came to, uh, United Kingdom from Malawi?
32	
33 BADAT:	That's right.
34	
35 GOTTLIEB:	And your family came, uh, to the UK in the 70s, correct?
36	
37 BADAT:	Yeah, correct.
38	
39 GOTTLIEB:	You were born in what year?
40	
41 BADAT:	I was born in 1979.
42	
43 GOTTLIEB:	Now, when you came to, uh, UK, you were educated in the very good schools, uh, here in
44	Britain, correct?
45	
46 BADAT:	Correct.
47	
48 GOTTLIEB:	You attended the St. James Church of England primary schools, correct?
49	
50 BADAT:	Yes.
51	
52 GOTTLIEB:	That's a good school, isn't it?
53	
54 BADAT:	Uh, it's not -- doesn't get rave reviews, but yes, a decent school.
55	
56 GOTTLIEB:	Uh, you in fact, uh, continued with your education. You attended highly regarded

Speaker

Transcription

1 grammar schools in, uh, Gloucester, correct?  
2  
3 BADAT: Correct.  
4  
5 GOTTLIEB: And what was the name of that school?  
6  
7 BADAT: Uh, Crypt Grammar School.  
8  
9 GOTTLIEB: You did, uh, well in school while you were growing up, didn't you?  
10  
11 BADAT: Yes.  
12  
13 GOTTLIEB: You were a good student, correct?  
14  
15 BADAT: Uh, yes, most of the time.  
16  
17 GOTTLIEB: But were you in -- involved in sports yourself?  
18  
19 BADAT: Uh, uh, a little bit, yes.  
20  
21 GOTTLIEB: Uh, what sports were you involved in?  
22  
23 BADAT: Um, uh, well playing football, soccer, um, little bit of rugby and some track and field.  
24  
25 GOTTLIEB: Uh, now there comes a time after going through the schools, uh, that you, uh, you  
26 became very involved, uh, in the Muslim faith, correct?  
27  
28 BADAT: Correct.  
29  
30 GOTTLIEB: Uh, you in fact studied the Koran very seriously, didn't you?  
31  
32 BADAT: Yes.  
33  
34 GOTTLIEB: In fact you became a person where you studied to such extent that you learned the  
35 Koran by heart, correct?  
36  
37 BADAT: Yes.  
38  
39 GOTTLIEB: Uh, what do you call a person who, who's able to, uh, uh, study and know the Koran by  
40 heart?  
41  
42 BADAT: Uh, we refer to it as, uh, a Hafiz.  
43  
44 GOTTLIEB: Hafiz, that's -- how do you spell that?  
45  
46 BADAT: H-A-F-I-Z.  
47  
48 GOTTLIEB: And when, uh, when did you, uh, become a, uh, a Hafiz?  
49  
50 BADAT: Completed memorizing when I was 12.  
51  
52 GOTTLIEB: Twelve years old?  
53  
54 BADAT: Yeah.  
55  
56 GOTTLIEB: Now after, uh, that period of time, you continued, uh, studying, uh, Islamic faith, correct?

<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: Yes.
3	
4	GOTTLIEB: You attended an Islamic college in, uh, Lancashire, correct?
5	
6	BADAT: Yes.
7	
8	GOTTLIEB: And, uh, from 1999, you attended a madrassa in Pakistan, correct?
9	
10	BADAT: In 1999? No.
11	
12	GOTTLIEB: Uh, did you attend a madrassa in Pakistan?
13	
14	BADAT: No.
15	
16	GOTTLIEB: At any time?
17	
18	BADAT: No.
19	
20	GOTTLIEB: Now in addition to studying, uh, the Koran, uh, where -- do you also speak affluent
21	Arabic?
22	
23	BADAT: Yes.
24	
25	GOTTLIEB: And what other languages do you speak fluently?
26	
27	BADAT: Uh, Gujarati and Urdu.
28	
29	GOTTLIEB: Now there comes a time that, uh, you become, uh, more radicalized on behalf of the
30	Muslim faith, correct?
31	
32	BADAT: Correct.
33	
34	GOTTLIEB: And you told us earlier today, uh, of your motivations, uh, to, uh, to testify, uh, in this
35	case and in other cases if you're asked to testify, correct?
36	
37	BADAT: Correct.
38	
39	GOTTLIEB: Now, your motives to testify is, uh, there comes a time after Khalid Sheikh Mohammad,
40	uh, is mentioned, uh, and it is clear that he is going to be tried for crimes. You decide
41	that you are prepared to testify against him and others, correct?
42	
43	BADAT: At the time it was just Khalid Sheikh Mohammad.
44	
45	GOTTLIEB: And at the time that it was just Khalid Sheikh Mohammad, what year are we talking
46	about?
47	
48	BADAT: Uh, I'm more inclined to say 2008, the beginning of 2008.
49	
50	GOTTLIEB: And since 2008, you've now decided you have similar motives to testify against other
51	people who were in similar, close to similar positions as Khalid Sheikh Mohammad,
52	correct?
53	
54	BADAT: Yeah, the -- I would say, uh, one motivation behind testifying against Khalid Sheikh
55	Mohammad was the knowledge that he would try and justify his action. So at the time I
56	was -- my feeling was to almost rebut such claims was important for me too. But

Speaker

Transcription

1 subsequently since talking to American authorities, um, I think it's more down to the  
2 legal obligation for me to have to testify against anyone I'm asked to testify in honor of  
3 my agreement.  
4  
5 GOTTIEB: Well are you testifying only because you have a written agreement or are you testifying  
6 in part because you believe a moral imperative?  
7  
8 BADAT: A bit of both.  
9  
10 GOTTIEB: So before going into then, your feelings and the reasons why you've agreed to testify,  
11 with your background and with your education and with your upbringing, could you share  
12 with us why did you get involved in these various plots that you have told us about?  
13  
14 BADAT: It was a gradual process. First in growing up, it was my father's wish to send me to  
15 madrasa to become an Imam following completing my school education and my wish  
16 was to not go ahead with this. So upon finishing school I decided to leave home. He  
17 would also term it run away -- running away from home.  
18  
19 GOTTIEB: And what year are we talking about?  
20  
21 BADAT: 1997. I left and I arrived in London and I came into contact with people that had  
22 previously taken part in the conflict in Bosnia.  
23  
24 GOTTIEB: And who are you referring to that you came in contact with?  
25  
26 BADAT: Um, I came to contact with, uh, uh, with a group of people who were referred to in  
27 certain sectors in London as the Tooting Circle.  
28  
29 GOTTIEB: As the Tooting, T-O-O-T-I-N-G?  
30  
31 BADAT: Yeah.  
32  
33 GOTTIEB: The Tooting Circle, the, uh, is that a mosque?  
34  
35 BADAT: Uh, Tooting is an area in South London.  
36  
37 GOTTIEB: And there's a mosque there, correct?  
38  
39 BADAT: Uh, yes.  
40  
41 GOTTIEB: And at that mosque, did you meet a person by the name of Babar Ahmad?  
42  
43 BADAT: Uh, yes.  
44  
45 GOTTIEB: Now, Babar Ahmad is somebody who you then became friendly with, correct?  
46  
47 BADAT: Correct.  
48  
49 GOTTIEB: And in meeting, uh, uh, uh, Babar, you also met his friends, correct?  
50  
51 BADAT: Correct.  
52  
53 GOTTIEB: And tell us when you met him and his friends, describe the process -- what happened  
54 that made you ultimately do these acts that you've told us about this morning?  
55  
56 BADAT: Um, he introduced me to a different dimension to Islam that hadn't been explained to

SpeakerTranscription

1 me or shown to me or introduced to me beforehand. And this we're talking about  
2 actually taking up arms in the name of Islam. I knew it happened hundreds of years ago  
3 but wasn't aware of it really happening, we didn't have much knowledge of it happening  
4 now. So, uh, just the -- it was almost the glamour factor of it drawing me in. Uh, so  
5 eventually a year or so later -- well, so it was my desire then to go and at least acquire  
6 some training in taking up arms. So this I did through this individual you mentioned.  
7

8 GOTTLIEB: Well you learned from Babar, uh, that there were three courses of action that Muslims  
9 should pursue, correct?  
10

11 BADAT: Mm-hm.  
12

13 GOTTLIEB: Correct?  
14

15 BADAT: Uh, correct. Sorry.  
16

17 GOTTLIEB: In fact from Babar, you learned that one of the courses of action is called dawah, D-A-W-  
18 A-H?  
19

20 BADAT: Yes.  
21

22 GOTTLIEB: And what is dawah?  
23

24 BADAT: Dawah is propagation, propagation of Islam, uh, specifically, uh, down to this -- this  
25 would bring propagation of Islam to non-Muslims.  
26

27 GOTTLIEB: That's spreading the word?  
28

29 BADAT: Yes.  
30

31 GOTTLIEB: So now I was asking you about, uh, meeting, uh, Babar and his friends, um, and you  
32 learned first about dawah, which is promoting virtue and spreading the word of Islam,  
33 correct?  
34

35 BADAT: Yeah, dawah was specifically, uh, teaching Islam to non-Muslims.  
36

37 GOTTLIEB: And you also learned about jihad, correct?  
38

39 BADAT: Yes.  
40

41 GOTTLIEB: And jihad includes also educating and reminding Muslims of their obligations to their  
42 faith, correct?  
43

44 BADAT: Its understanding taught to us by Babar, jihad specifically meant taking up arms.  
45

46 GOTTLIEB: Well when you, uh, first learned -- when you first met Babar and his friends you were  
47 given an audio cassette tape --  
48

49 BADAT: Yes.  
50

51 GOTTLIEB: Do you recall that?  
52

53 BADAT: Yes.  
54

55 GOTTLIEB: And what was that cassette tape called?  
56

SpeakerTranscription

1 BADAT: Uh, "In the Hearts of Green Birds."  
2  
3 GOTTLIEB: And you were moved by that tape, weren't you?  
4  
5 BADAT: Yes.  
6  
7 GOTTLIEB: And what was that tape about?  
8  
9 BADAT: Uh, it was about people that had been killed while fighting in Bosnia.  
10  
11 GOTTLIEB: And that, uh, tape also encouraged, uh, you to take a more active role in your faith,  
12 correct?  
13  
14 BADAT: Correct.  
15  
16 GOTTLIEB: And as a result of what you were learning from Babar and his friends and listening, um,  
17 uh, to tapes, uh, you decided to go to London to learn more about Islam and jihad,  
18 correct?  
19  
20 BADAT: Um, not, uh, precisely. The -- I came across the tape in my hometown of Gloucester. Uh,  
21 my arrival in London was more down to me leaving home. But upon arrival in London, I  
22 became more acquainted with this -- with this, um, path that Babar had outlined.  
23  
24 GOTTLIEB: Now with regard to jihad, you would agree that there are both, I believe you indicated  
25 earlier, both defensive and offensive aspects of jihad, correct?  
26  
27 BADAT: Yes.  
28  
29 GOTTLIEB: And that's all part of the education that you were receiving at this period of time in your  
30 life, correct?  
31  
32 BADAT: Correct. With Babar it was, uh, it was a point of, um, there was concerted effort to make  
33 us understand that when we talk about jihad it meant armed jihad, taking up arms.  
34  
35 GOTTLIEB: Now when it is that you are, uh, having these conversations with Babar and his friends,  
36 uh, how old were you?  
37  
38 BADAT: Uh, now -- uh, this moment I think I was 17,  
39  
40 GOTTLIEB: And following this, you then go to London to continue your education in jihad?  
41  
42 BADAT: I was in London at this time, yes.  
43  
44 GOTTLIEB: And while in London, uh, what else did you do to further your education in Islamic faith,  
45 in jihad?  
46  
47 BADAT: Um, I improved my Arabic, uh, I read a lot of books, listened to a lot of audio cassettes  
48 and tried to meet with different people with, uh, similar view in respect of, uh, jihad.  
49  
50 GOTTLIEB: And you were inspired by the tapes and the conversations that you were having with  
51 people?  
52  
53 BADAT: Yes.  
54  
55  
56 GOTTLIEB: Is it fair to say that one of your motivations to testify is your conclusion that Khalid Sheikh

Speaker

Transcription

1 Mohammad and like-minded individuals are wrong in their beliefs?  
2  
3 BADAT: Yes.  
4  
5 GOTTLIEB: Have you also concluded as part of your -- your realization and motivation to testify that  
6 people like Khalid Sheikh Mohammad and like-minded individuals have manipulated  
7 those people who served under them?  
8  
9 BADAT: Yes.  
10  
11 GOTTLIEB: You view, do you not, your testifying in this case and other cases, as a way to assist other  
12 people who could have been manipulated by the al-Qaeda leadership?  
13  
14 BADAT: Yes.  
15  
16 GOTTLIEB: In fact, Mr. Badat, you have concluded that even the September 11 hijackers --  
17  
18 BADAT: Yes.  
19  
20 GOTTLIEB: -- were in a way victims as well as the thousands of innocent people who were killed?  
21  
22 BADAT: To a lesser extent, a much lesser extent.  
23  
24 GOTTLIEB: But victims nevertheless?  
25  
26 BADAT: But victims, yes.  
27  
28 GOTTLIEB: And you've concluded that they were victims because of the manipulation, the taking  
29 advantage of them by higher ups in the al-Qaeda leadership chain, correct?  
30  
31 BADAT: Yes.  
32  
33 GOTTLIEB: And part of your motivation to testify is that you believe you can be the voice for the  
34 exploited hijackers, correct?  
35  
36 BADAT: For -- yeah, although -- although mentioning that, uh, this is a case for the younger  
37 hijackers, not the -- uh, when -- when you say that I don't mean that to apply -- I don't  
38 mean that all the hijackers are victims in that specific way that we've outlined.  
39  
40 GOTTLIEB: But you did tell, when you were debriefed --  
41  
42 BADAT: Mm-hm.  
43  
44 GOTTLIEB: -- by, uh, officials here in the UK, you told them that you could be a voice for the  
45 exploited hijackers, them and the innocents killed for this quote "bullshit" closed quote  
46 cause?  
47  
48 BADAT: Mm-hm.  
49  
50 GOTTLIEB: Correct?  
51  
52 BADAT: Correct.  
53  
54 GOTTLIEB: Those were your words, correct?  
55  
56 BADAT: Yes. I remember the -- the --

Speaker

Transcription

1  
2 GOTTLIEB: No thank you.  
3  
4 BADAT: -- term bullshit cause, yeah.  
5  
6 GOTTLIEB: Oh you -- you remember that?  
7  
8 BADAT: Yeah, vividly.  
9  
10 GOTTLIEB: Okay. And you also are testifying because you believe you can send a message to the  
11 young people not to go down this extremist road that you had gone down, correct?  
12  
13 BADAT: Correct.  
14  
15 GOTTLIEB: So you've concluded that now, after seeing everything, you've concluded now that it was  
16 the wrong road to go down, correct?  
17  
18 BADAT: Correct.  
19  
20 GOTTLIEB: Now in addition to that, you did tell us that here in the UK, you were facing very serious  
21 charges, correct?  
22  
23 BADAT: Correct.  
24  
25 GOTTLIEB: And taking everything into account, what you did and what you didn't do, the sentencing  
26 judge here in the UK sentenced you to 13 years, correct?  
27  
28 BADAT: Correct.  
29  
30 GOTTLIEB: And you began serving that time, correct?  
31  
32 BADAT: Correct.  
33  
34 GOTTLIEB: Now in addition to that, after you were sentenced, you told us that another agreement  
35 was reached with UK officials and you increased your cooperation and continued to  
36 cooperate with them even after you served your 13 -- I'm sorry, you continued your  
37 cooperation, entered into another agreement even after sentence to 13 years, correct?  
38  
39 BADAT: Correct.  
40  
41 GOTTLIEB: And as a result of that, all of that was brought back to a judge and you were resentenced  
42 to 11 years, correct?  
43  
44 BADAT: Correct.  
45  
46 GOTTLIEB: And when were you resentenced to the 11 years?  
47  
48 BADAT: Resentenced in November 2009.  
49  
50 GOTTLIEB: And today is March 20 --  
51  
52 BITKOWER: Ninth.  
53  
54 GOTTLIEB: -- March 29, 2012. You are no longer in custody, correct?  
55  
56 BADAT: No. Uh, that is correct, sorry.



<u>Speaker</u>	<u>Transcription</u>
1	
2	GOTTLIEB: You've completed your, uh, your term of imprisonment, correct?
3	
4	BADAT: Correct.
5	
6	GOTTLIEB: You're not under any court-ordered supervision, correct?
7	
8	BADAT: Uh, correct.
9	
10	GOTTLIEB: You're free, correct?
11	
12	BADAT: Correct.
13	
14	GOTTLIEB: You're free to travel about, correct?
15	
16	BADAT: Uh, with -- within the country maybe, yeah, yes.
17	
18	GOTTLIEB: Well now you did tell us that, um, you, uh, didn't wanna go to the United States because
19	you have this pending federal indictment in Massachusetts as a result of conspiring with
20	Richard Reid as a co-shoe bomber, correct?
21	
22	BADAT: Correct.
23	
24	GOTTLIEB: Now, after you started cooperating with the officials here in the UK, um, your attorney
25	made contact with officials in the United States to see if some sort of deal could be struck
26	with the United States and the indictment that you're facing in federal court, correct?
27	
28	BADAT: Um, could you repeat that please?
29	
30	GOTTLIEB: Sure. Uh, in February thereabouts, 2009 --
31	
32	BADAT: Yeah?
33	
34	GOTTLIEB: -- uh, did your lawyer have contact with officials from the United States Department of
35	Justice concerning possibly resolving the federal indictment in the United States if you
36	cooperated with the United States federal authorities?
37	
38	BADAT: Uh, such contact was made. Um, but, uh, you say resolving or striking a deal. I would
39	just say addressing the issue.
40	
41	GOTTLIEB: Well who was your, uh, your lawyers? Is that your solicitor?
42	
43	BADAT: Uh, yes.
44	
45	GOTTLIEB: Who was that?
46	
47	BADAT: Uh, at this point, um, I believe it was Imran Khan but he, uh, he did not want to carry on
48	with the case but he made the initial contact I believe.
49	
50	GOTTLIEB: And who is Mr. Khurram, that's K-H-U-R-R-A-M --
51	
52	BADAT: Yes.
53	
54	GOTTLIEB: -- Arif, A-R-I-F, who is he?
55	
56	BADAT: Yeah, he's the person -- the gentleman that was just, uh, um, Imran Khan passed the case

SpeakerTranscription

1 onto him.

2  
3 GOTTIEB: And is it fair to say that in February of 2009, um, you learned that, uh, Mr. Arif had  
4 received a communication, a letter from Sharon Lever from the Department of, uh,  
5 Justice, uh, concerning your federal indictment?

6  
7 BADAT: Yes.

8  
9 GOTTIEB: And you were aware that, um, and you authorized your solicitor to inform the federal  
10 prosecutors here in the United States that you would be willing to cooperate with the  
11 United States including testifying in terrorism trials, correct?

12  
13 BADAT: Correct.

14  
15 GOTTIEB: And is it fair to say that in addition to informing the federal authorities about your  
16 willingness that you through your solicitor indicated that you were willing to cooperate  
17 and you were requesting that the United States consider dismissing the United States'  
18 indictment and refrain from bringing additional charges against you?

19  
20 BADAT: Um, I -- I don't recall actually, uh, say -- I do recall that the communication between, uh,  
21 myself and solicitor and US authorities was never direct face-to-face so things did get lost  
22 in translations, me communicating by phone from the prison to my, uh, my solicitor the  
23 communicating something else to authorities. But I'm -- for me, the case was addressing  
24 and addressing meant getting any kind of benefit ranging from as I've said earlier today,  
25 ranging from potential reduction in sentence to a complete dismissal of the sentence --  
26 uh, of the indictment, sorry.

27  
28 GOTTIEB: But you had conversations, um, with the fed -- with the United States federal authorities  
29 through your attorney indicating that, uh, you believed that you could effectively work  
30 with young people who might be tempted to go down that -- that path of violence that  
31 you had gone down and could effectively work as a youth counselor, uh, if the United  
32 States would agree to work with you, perhaps in dismissing your indictment?

33  
34 BADAT: Uh, the point made there was in reference to me giving evidence, uh, against people  
35 based in the UK and I had, uh, concerns that if I had to give, uh, if I had to give evidence  
36 against certain people based in the UK, uh, then it would compromise any ability I may  
37 have or may have had in the future to dissuade people from going down this route. So if I  
38 were to explain the scenario, if I was out there dissuading people from going down this  
39 route of violent jihad but then I was, um, giving evidence in court against people that  
40 had, uh, a firm base of support in the UK and it would just create issues around that. In  
41 which case we're talking about would it be possible to refrain from giving evidence  
42 against certain people? So these were the issues going around at that time. Since then  
43 I've accepted that I have no choice in terms of who and -- who, um, I can, uh, give  
44 evidence against. Anyone I'm asked to give evidence against I have to. So that's --

45  
46 GOTTIEB: And -- and --

47  
48 BADAT: -- just explaining what you just --

49  
50 GOTTIEB: Thank you. And in doing that, you were told -- you were told by the United States, uh,  
51 Attorney General, uh, through Sharon Lever, that on the basis of the information that  
52 they have already obtained, the United States Department of Justice has agreed to  
53 consider your offer to cooperate in an effort to resolve all pending matters between you  
54 and the United States, correct?

55  
56 BADAT: Correct.

SpeakerTranscription

1  
2 GOTTLIEB: And this goes back to February of 2009. Correct?  
3  
4 BADAT: Correct.  
5  
6 GOTTLIEB: Now since then did anyone from the United States Department of Justice federal  
7 prosecutors, did anyone say to you that if you cooperated and were willing to testify as  
8 you're willing to do in this case and if you came to the United States that you would be  
9 arrested? Did anyone say that to you?  
10  
11 BADAT: Uh, say to me, uh, the last part you said, please repeat that.  
12  
13 GOTTLIEB: Yeah, did anyone say to you after this communication with the US Department of Justice  
14 in February of 2009, did anyone say to you that if you got on a plane and if you came to  
15 American to testify before a jury that even if you were cooperating that you would be  
16 arrested? Did anyone say that to you?  
17  
18 BADAT: No one said that to me. Uh, no one, but, uh, I've only been asked about my willingness to  
19 travel to the US. That's the extent. That's as far as, uh, anything has been asked of me in  
20 response to which I've said no. So I've been asked am I prepared to travel to the US? I've  
21 been told, uh, that I've responded no.  
22  
23 GOTTLIEB: Okay so you -- you decided that when the officials from the United States asked you  
24 would you come to America to testify before a jury, you said no. That was your decision,  
25 correct?  
26  
27 BADAT: Yes.  
28  
29 GOTTLIEB: And you made that decision but nobody from the United States Department of Justice  
30 said to you if you cooperate you're going to be arrested. Nobody said that to you,  
31 correct?  
32  
33 BADAT: Uh, no.  
34  
35 GOTTLIEB: In fact, Mr. Badat, you told officials here in the UK when they first questioned you and  
36 can you tell us when you first spoke to the UK officials? Can you put a year to that?  
37  
38 BADAT: First ever time, uh, in, uh, reference to -- in respect with cooperation, uh --  
39  
40 GOTTLIEB: And -- and specifically in reference to your willingness to testify against Khalid Sheikh  
41 Mohammad and like-minded individuals --  
42  
43 BADAT: Right.  
44  
45 GOTTLIEB: -- when did you have that conversation?  
46  
47 BADAT: I believe it was March 2008.  
48  
49 GOTTLIEB: And in March of 2008, did you not also tell those officials that you were not worried  
50 about the American indictment because you were told that although there are no  
51 guarantees, it's likely double jeopardy and nothing would even come of it?  
52  
53 BADAT: At that time that I -- I was saying based on what my own lawyer had said to me back in  
54 2000, uh, four I believe.  
55  
56 GOTTLIEB: Now in addition to, uh, uh, what you told the UK officials back in 2008 that we've just

SpeakerTranscription

1 gone through, you told them that you would be willing to testify against other leaders  
2 such as, uh, Saif al-Adl and, uh, Osama bin Laden, correct?  
3  
4 BADAT: Uh, yes.  
5  
6 GOTTLIEB: But there was somebody who you made clear you would not testify against. Do you  
7 recall that?  
8  
9 BADAT: Uh, I recall, um, uh --  
10  
11 GOTTLIEB: And did -- did --  
12  
13 BADAT: -- I recall, uh, yeah, carrying an awareness to testify against certain people, yeah.  
14  
15 GOTTLIEB: Well do you recall who you told them you would not testify against even though you  
16 were willing to testify against bin Laden, who did you tell them you would not be willing  
17 to testify against?  
18  
19 BADAT: Uh, against Babar Ahmad.  
20  
21 GOTTLIEB: Uh, who was that?  
22  
23 BADAT: Babar Ahmad.  
24  
25 GOTTLIEB: Babar Ahmad. What about, uh, Musab [PH]? Do you know an individual by the name of  
26 Musab?  
27  
28 BADAT: I don't, uh, I -- I don't know of an individual called Musab.  
29  
30 GOTTLIEB: Do you recall telling the UK agents who you spoke to that while you'd be willing to testify  
31 against other leaders, you would not testify against Musab because you thought he was  
32 only a facilitator used by al-Qaeda leaders?  
33  
34 BADAT: Mm, I don't re -- I don't recall exactly saying that.  
35  
36 GOTTLIEB: Well do you recall saying something along those lines? That you didn't want to testify  
37 against somebody who you had considered to be a facilitator, a helper rather than a  
38 leader?  
39  
40 BADAT: Uh, yeah not in reference specifically to Musab, but yeah, I -- I would have said that. I  
41 believe I would have, uh, uh, specifically targeted leaders.  
42  
43 GOTTLIEB: But so you recognize that in this -- in this area of al-Qaeda and violence and extremism,  
44 you have drawn that distinction between leaders and people who were pawns of those  
45 leaders, correct?  
46  
47 BADAT: I've made that distinction, yes.  
48  
49 GOTTLIEB: Now you've told us about, uh, certain benefits that you've received, uh, as a result of  
50 your cooperation. And you indicated, uh, that you have received a financial benefit,  
51 correct?  
52  
53 BADAT: Correct.  
54  
55 GOTTLIEB: Now, you were released from prison on March 18th, 2010?  
56

	<u>Speaker</u>	<u>Transcription</u>
1	BADAT:	Uh, yes.
2		
3	GOTTLIEB:	And after you were released, you were able to sign on for state assistance, correct?
4		
5	BADAT:	Correct.
6		
7	GOTTLIEB:	You've been paid, uh, a job-seekers allowance by the Metropolitan Police Service, correct?
8		
9		
10	BADAT:	Correct.
11		
12	GOTTLIEB:	You've been given financial assistance in relation to work space, rent, development of your business and to obtain any additional qualifications to help with your training, correct?
13		
14		
15		
16	BADAT:	Correct.
17		
18	GOTTLIEB:	The Metropolitan Police Service here in the UK has financially supported, uh, training courses for your chosen employment, correct?
19		
20		
21	BADAT:	Correct.
22		
23	GOTTLIEB:	Uh, are you working presently?
24		
25	BADAT:	Yes.
26		
27	GOTTLIEB:	Now in addition to receiving those financial benefits, uh, you have received, uh, housing and, uh, tax benefits, correct?
28		
29		
30	BADAT:	Correct.
31		
32	GOTTLIEB:	In addition to that you've received, uh, travel costs to visit, uh, with your family, correct?
33		
34	BADAT:	Correct.
35		
36	GOTTLIEB:	Uh, you have received, uh, from the Metropolitan Police Service, uh, money to cover the costs of Internet access and mobile phone costs, correct?
37		
38		
39	BADAT:	Correct.
40		
41	GOTTLIEB:	Now, again going back to your own personal background, can you explain to us why you decided to make that first trip to a training camp?
42		
43		
44	BADAT:	Uh --
45		
46	GOTTLIEB:	What was the reason? Explain it.
47		
48	BADAT:	Uh, going to Afghanistan was simply to fulfill what I believed was an obligation to acquire training in, uh, armed jihad. Uh, so in pursuant -- in pursuance of that obligation I decided I wanted to go to Afghanistan and did.
49		
50		
51		
52	GOTTLIEB:	And when are we talking about? What year?
53		
54	BADAT:	1999 is when I left for Afghanistan, January 1999.
55		
56	GOTTLIEB:	And you were how old when you first left to go to Afghanistan?

Speaker

Transcription

1  
2 BADAT: Nineteen.  
3  
4 GOTTLIEB: Now when you first went to Afghanistan, you undertook, uh, military training, correct?  
5  
6 BADAT: Correct.  
7  
8 GOTTLIEB: And where did you first go? What was the first stop, uh, when you arrived in  
9 Afghanistan?  
10  
11 BADAT: Kandahar.  
12  
13 GOTTLIEB: And what was the name of the training camp?  
14  
15 BADAT: Um, that was in the -- oh, the first training camp I went to was, uh, situated near Kabul.  
16  
17 GOTTLIEB: What was the name of that training camp?  
18  
19 BADAT: It was, uh, I don't know the name -- it was affiliated with, uh, Uzbekistani group.  
20  
21 GOTTLIEB: And when you arrived there were there other people at this training camp?  
22  
23 BADAT: Uh, yes.  
24  
25 GOTTLIEB: Did you know --  
26  
27 BADAT: Sorry, it wasn't Uzbekistani. It was, um, what we call Turkestani. So, uh, Uyghur Chinese.  
28  
29 GOTTLIEB: I'm sorry?  
30  
31 BADAT: Uyghur Chinese, people from the Western Province of China.  
32  
33 GOTTLIEB: When you arrived there, did you know anybody?  
34  
35 BADAT: No.  
36  
37 GOTTLIEB: You didn't go there with a friend or relative, correct?  
38  
39 BADAT: Uh, no, I knew -- the only person I knew, uh, well was the actual trainer.  
40  
41 GOTTLIEB: And who was that  
42  
43 BADAT: His name was Nassar -- we call -- uh, his -- he was known as Nassar of Amarati [PH].  
44  
45 GOTTLIEB: And when you arrived at the, uh, uh, the training camp, uh, how long did you stay there?  
46  
47 BADAT: Uh, this training camp, the course was roughly four to six weeks.  
48  
49 GOTTLIEB: And that first week that you were at the training camp, was it introductory, discussions,  
50 things like that?  
51  
52 BADAT: Um, no the first week we got straight into the action, the physical activity. And some  
53 theory work too.  
54  
55 GOTTLIEB: You -- you didn't meet, uh, Osama bin Laden or Khalid Sheikh Mohammad --  
56

	<u>Speaker</u>	<u>Transcription</u>
1	BADAT:	Yeah, the first day --
2		
3	GOTTLIEB:	-- at -- on that first date, did you?
4		
5	BADAT:	No, you're talking about the training, uh, there was an incident when I arrived in
6		Kandahar, uh, there which, uh, where I spent three to four days in Kandahar before
7		traveling to Kabul.
8		
9	GOTTLIEB:	Well I'm just referring when you go to the training camp, you didn't have a personal
10		meeting with Osama bin Laden or Khalid Sheikh Mohammad?
11		
12	BADAT:	No.
13		
14	GOTTLIEB:	You didn't meet with, uh, uh, Jafar --
15		
16	BADAT:	No.
17		
18	GOTTLIEB:	-- correct?
19		
20	BADAT:	And how long did you stay then at this first training camp?
21		
22	BADAT:	Uh, four to six weeks.
23		
24	GOTTLIEB:	Now based on, uh, your experience over the years as you've described earlier at these
25		various locations, uh, you've -- you've learned what the logical progression is for a new
26		trainee, correct?
27		
28	BADAT:	Correct.
29		
30	GOTTLIEB:	And is it fair to say that the logical progression for a new trainee, uh, to be selected as an
31		operative normally begins with attendance at the basic training course, correct?
32		
33	BADAT:	Correct.
34		
35	GOTTLIEB:	And that initial training course through the logical progression is, uh, lasts approximately
36		40 days, correct?
37		
38	BADAT:	Uh, correct.
39		
40	GOTTLIEB:	Is it fair to say that based on your experiences and what you went through and saw with
41		your own eyes, following the basic course, a trainee would likely return to a guest house,
42		correct?
43		
44	BADAT:	Correct.
45		
46	GOTTLIEB:	And after spending some time with the guest house, then take another more advanced
47		training course such as a tactics course, correct?
48		
49	BADAT:	Correct.
50		
51	GOTTLIEB:	And in order to take the taxes -- tactic -- tactics course, you were allowed to sign up for
52		that only after completing the basic course, correct?
53		
54	BADAT:	Correct.
55		
56	GOTTLIEB:	And then following the tactics course, trainees would once again return to the guest

SpeakerTranscription

1 house, correct?

2

3 BADAT: Correct.

4

5 GOTTLIEB: All right. Um, Mr. Badat, I'm -- I was going through the, uh, the progression of training

6 for somebody who is to become an operative. And I mentioned and you mentioned this

7 morning this notion of guest houses.

8

9 BADAT: Yes.

10

11 GOTTLIEB: First, how many training facilities, camps did you, uh, attend?

12

13 BADAT: Approximately five.

14

15 GOTTLIEB: And what were those five training facilities that you attended?

16

17 BADAT: Uh, there was the Turkestani camp. Uh, the Darunta camp.

18

19 GOTTLIEB: And can you spell that so we can clearly understand it?

20

21 BADAT: Darunta camp, D-A-R-U-N, uh, T-A.

22

23 GOTTLIEB: And where is that located?

24

25 BADAT: Uh, near Jalalabad.

26

27 GOTTLIEB: And how long did you stay at that camp?

28

29 BADAT: The Darunta camp, I spent in the year 1999, roughly two months.

30

31 GOTTLIEB: And the first camp that you mentioned, how -- uh --

32

33 BADAT: The Turkestani camp, between four and six weeks.

34

35 GOTTLIEB: And there was a third camp. What camp was that?

36

37 BADAT: I recalled a third -- attending a third -- sorry, the Turkestani camp, that first one may have

38 been, uh, a bit shorter than I've said, maybe even as short as two weeks. Uh, Daruanta,

39 that's -- I believe that's accurate, about two months. Uh, another camp I attended was,

40 uh, a camp associated with, uh, another individual, uh, Musab al-Suri but that was also in

41 Kabul.

42

43 GOTTLIEB: And do you remember the name of that camp?

44

45 BADAT: I don't believe it had a name.

46

47 GOTTLIEB: And how long did you stay there?

48

49 BADAT: Uh, that was between -- that was between four and six weeks of course.

50

51 GOTTLIEB: And what was the next camp that you attended?

52

53 BADAT: Um, I attended the other camps -- the only other camps I recall at this moment were the

54 two in Kandahar associated with bin Laden. Al-Farooq and Obaida.

55

56 GOTTLIEB: So the camp -- so camp associated with bin Laden is Al-Farooq and that's F-A-R-O-O-Q?



<u>Speaker</u>	<u>Transcription</u>
1	
2	BADAT: Correct.
3	
4	GOTTLIEB: And when was that?
5	
6	BADAT: Uh, that was January 2001.
7	
8	GOTTLIEB: And how long were you there?
9	
10	BADAT: How old?
11	
12	GOTTLIEB: How long were you there?
13	
14	BADAT: Oh, um, about six weeks.
15	
16	GOTTLIEB: And what's the next camp?
17	
18	BADAT: Obaida camp.
19	
20	GOTTLIEB: And how do you spell that?
21	
22	BADAT: O-B-A-I-D-A.
23	
24	GOTTLIEB: And when -- uh, did you go to that camp?
25	
26	BADAT: Uh, about February or March, more likely March 2001.
27	
28	GOTTLIEB: How long did you stay there?
29	
30	BADAT: Um, I stayed there for roughly two weeks before incurring an injury.
31	
32	GOTTLIEB: Now, when you arrived at these camps, uh, would there be, uh, a varying number of
33	people who were physically at the camp?
34	
35	BADAT: Yes.
36	
37	GOTTLIEB: I mean there wasn't, um, any, uh, requirement that there only be 10 people at a camp or
38	100 people at a camp? Each of the camps had different numbers of people there at any
39	given time, correct?
40	
41	BADAT: Correct, although there was a quota for each -- for certain courses.
42	
43	GOTTLIEB: So for certain courses there was a quota to make sure that you had enough people to
44	attend those courses, correct?
45	
46	BADAT: Or more not too many people.
47	
48	GOTTLIEB: Now were there individuals who you met at these camps who came to the camp, stayed
49	a few days and left the camp?
50	
51	BADAT: Yes.
52	
53	GOTTLIEB: There were some people who came to the camp, is it not true, um, and did not take, uh,
54	the courses that you took, correct?
55	
56	BADAT: Correct.

Speaker

Transcription

1  
2 GOTTlieb: There were some people who came, uh, to the camp and left for, uh, their own personal  
3 reasons, correct?  
4  
5 BADAT: Correct.  
6  
7 GOTTlieb: Uh, based on your experience meeting these different people who decided to go to these  
8 camps, can you tell us in -- in your -- your opinion, based on your own observations, were  
9 some of these people just, uh, hangers-on, you know, people who just wanted to come  
10 there and hang out a little bit and then leave without going through the rigors of  
11 training?  
12  
13 BADAT: Yes.  
14  
15 BITKOWER: Now you received specifically explosives training, correct?  
16  
17 BADAT: Correct.  
18  
19 GOTTlieb: You learned how to make a detonator and main charge explosives, correct?  
20  
21 BADAT: Correct.  
22  
23 GOTTlieb: What camp was that by the way?  
24  
25 BADAT: That was at Darunta.  
26  
27 GOTTlieb: Which camp?  
28  
29 BADAT: Darunta camp.  
30  
31 GOTTlieb: And you were taught about the -- the different chemicals that could be used to make an  
32 explosive, correct?  
33  
34 BADAT: Correct.  
35  
36 GOTTlieb: Now did you meet, uh, Najibullah Zazi?  
37  
38 BADAT: I don't recall the name.  
39  
40 GOTTlieb: Do you recall the name, uh, uh, Zarein Ahmedzay?  
41  
42 BADAT: No.  
43  
44 BITKOWER: And do you recall the name, uh, Adis Medunjanin?  
45  
46 BADAT: No.  
47  
48 GOTTlieb: Now if I could just show you, uh, these, uh, uh, pictures looking at what is now marked as  
49 Defendant's A. Do you recognize who that person is?  
50  
51 BADAT: No.  
52  
53 GOTTlieb: You never met that person, correct?  
54  
55 BADAT: Correct.  
56

	<u>Speaker</u>	<u>Transcription</u>
1	GOTTLIEB:	It's Defendant's A. And looking at Defendant's B, do you know who that is?
2		
3	BADAT:	No.
4		
5	GOTTLIEB:	You didn't meet this person?
6		
7	BADAT:	I -- no, I don't remember seeing him.
8		
9	GOTTLIEB:	Okay and looking at Defendant's C, do you know who that is?
10		
11	BADAT:	No.
12		
13	GOTTLIEB:	You didn't meet that person?
14		
15	BADAT:	No.
16		
17	GOTTLIEB:	Now with regard to, uh, uh, Jafar, when did you first meet him?
18		
19	BADAT:	I first met him in the spring of the year 2000.
20		
21	GOTTLIEB:	And you met him in the spring of 2000 at a celebration at, uh, Matar?
22		
23	BADAT:	Yes.
24		
25	GOTTLIEB:	And the last time that you, uh, had any contact with, uh, Jafar was when?
26		
27	BADAT:	The last time was the end of the year 2001.
28		
29	GOTTLIEB:	So since the end of 2001, have you had any contact with the person who you know as
30		Jafar and who you saw in that video which was Government's 100?
31		
32	BADAT:	I had no contact, no.
33		
34	GOTTLIEB:	And Jafar never told you in any of your conversations, uh, that he had attended the
35		tactics course, correct?
36		
37	BADAT:	He had never told me, no.
38		
39	GOTTLIEB:	And you don't know if during the time you had contact with Jafar, you don't know if Jafar
40		attended any other al-Qaeda courses, correct?
41		
42	BADAT:	I know he -- I believe he had attended, uh, a tactics course. Because that time when I
43		met him in the year 2000, he was part of a group that had attended a tactics course. In
44		fact they had just graduated.
45		
46	GOTTLIEB:	Mr. Badat, going back to what you've testified to earlier today about your , uh, knowing
47		involvement, after going through all this training in the shoe bombing plot, uh, you
48		worked and had a person who, uh, is called a handler, correct?
49		
50	BADAT:	Correct.
51		
52	GOTTLIEB:	And who was your handler?
53		
54	BADAT:	My handler was someone I described as Musab al-Balushi.
55		
56	GOTTLIEB:	And who asked you to participate as a, uh, a shoe bomber, a suicide bomber?

Speaker

Transcription

1  
2 BADAT: Um, it was the al-Qaeda leadership, bin Laden, Abu Hafs, Saif al-Adl and Khalid Sheikh  
3 Mohammad.  
4  
5 GOTTLIEB: Okay. Now, Abu Hafs, that's A-B-U H-A-F-S?  
6  
7 BADAT: Correct.  
8  
9 GOTTLIEB: He was a, uh, a senior, uh, leader, correct?  
10  
11 BADAT: Correct.  
12  
13 GOTTLIEB: Did he ask you to participate as a, uh, a shoe bomber?  
14  
15 BADAT: Yes.  
16  
17 GOTTLIEB: And after receiving this training, you agreed to do that, correct?  
18  
19 BADAT: Correct.  
20  
21 GOTTLIEB: You agreed to do that together and in concert with Richard Reid, correct?  
22  
23 BADAT: Correct.  
24  
25 GOTTLIEB: The plan was that both of you were going to, uh, place explosives in shoes and go in  
26 separate airplanes and explode the -- the airplanes, correct?  
27  
28 BADAT: Correct.  
29  
30 GOTTLIEB: And part of this plan was that you were going to coordinate the timing to do it at the  
31 same time as Richard Reid, correct?  
32  
33 BADAT: Uh, correct.  
34  
35 GOTTLIEB: And in addition to obtaining the shoes from the individual, I believe you said his name  
36 was Fathi?  
37  
38 BADAT: The one that, uh, made the device, yes.  
39  
40 GOTTLIEB: He -- he made the shoe device, correct?  
41  
42 BADAT: Yes.  
43  
44 GOTTLIEB: And in addition to doing that, tell us what other steps you took to carry out your, uh, your  
45 plan.  
46  
47 BADAT: Um, can you repeat that question please?  
48  
49 GOTTLIEB: Other than getting the shoes --  
50  
51 BADAT: Mm-hm.  
52  
53 GOTTLIEB: -- what else did you do to carry out the plan?  
54  
55 BADAT: Um, other than getting the shoes, we, uh, we met with Khalid Sheikh Mohammad, we,  
56 uh, we acquired, uh, money, uh, we had discussions, me and Richard Reid about, um, uh,

SpeakerTranscription

1 about how to coordinate. Uh, we had discussions also with, uh, the handler, Musab al-  
2 Balushi about the same issue.  
3  
4 GOTTLIEB: Can you spell that handler's name?  
5  
6 BADAT: M-U-S-A-B A-L B-A-L-U-S-H-I.  
7  
8 GOTTLIEB: And who is Nizar Trabelsi?  
9  
10 BADAT: Nizar Trabelsi is, um, I believe is the name of someone I mentioned earlier as Qaqa Tunisi.  
11  
12 GOTTLIEB: And he was involved in this plot with you and Richard Reid, correct?  
13  
14 BADAT: No.  
15  
16 GOTTLIEB: He wasn't involved in the, uh, plan to engage as a, uh, as a shoe bomber?  
17  
18 BADAT: No.  
19  
20 GOTTLIEB: In addition to having conversations as you've just told us, did you also obtain explosives?  
21  
22 BADAT: The explosives I obtained were the only explosive device I obtained was from Fathi.  
23  
24 GOTTLIEB: Did you obtain a detonator?  
25  
26 BADAT: It was a device with the detonator.  
27  
28 GOTTLIEB: Did you obtain multiple passports?  
29  
30 BADAT: I obtained -- I -- an additional passport on an earlier trip.  
31  
32 GOTTLIEB: And you obtained this additional passport under a false name?  
33  
34 BADAT: No.  
35  
36 GOTTLIEB: Under whose name?  
37  
38 BADAT: My own name.  
39  
40 GOTTLIEB: And why did you obtain multiple passports?  
41  
42 BADAT: Uh, the situation was I had left Afghanistan and gone to Belgium pre-9/11. The 9/11  
43 attacks happened and I decided that I couldn't return to Afghanistan or it wouldn't be  
44 advise -- wouldn't be advisable to return to Afghanistan with the same passport, with the  
45 Pakistani stamp. So I decided it would -- it would be safer for me to acquire a new  
46 passport which was clean and I used that to reenter Pakistan and leave Europe.  
47  
48 GOTTLIEB: And in addition to, uh, the -- the -- the various acts that I've just asked you about, did you  
49 also obtain and use telephone cards to have these conversations about the plot?  
50  
51 BADAT: Um, no. Uh, we -- the -- our communication between each other, between me and Reid,  
52 uh, was going to be by e-mail.  
53  
54 GOTTLIEB: And you did -- you yourself had communication with Richard Reid, uh, by way of e-mail  
55 about the plot, correct?  
56

Speaker

Transcription

1 BADAT: Correct.  
2  
3 GOTTLIEB: Did you have e-mail conversations with anyone else about the plot?  
4  
5 BADAT: Yes.  
6  
7 GOTTLIEB: Who else?  
8  
9 BADAT: Musab al-Balushi.  
10  
11 GOTTLIEB: I'm sorry?  
12  
13 BADAT: Musab al-Balushi, the handler.  
14  
15 GOTTLIEB: And who else did you have e-mail contact with about the plot -- you yourself have  
16 contact with?  
17  
18 BADAT: Um, I've spoken about, um, the Malaysians. I believe there may have been, uh, some, uh,  
19 some communication with one of the Malaysians. There might have been one message  
20 but nothing about my particular plot.  
21  
22 GOTTLIEB: And in addition to, um, having these conversations by way of e-mail, did you also obtain,  
23 you yourself, did you obtain, uh, any flight schedules to check what would be the best  
24 flight to, uh, to explode?  
25  
26 BADAT: Did I obtain flight schedules? Uh, no.  
27  
28 GOTTLIEB: Did anyone obtain the flight schedules for you?  
29  
30 BADAT: Uh, no, I saw sample flight schedules just to know how to use these schedules but in the  
31 end I didn't use any.  
32  
33 GOTTLIEB: Now you've indicated that, uh -- withdrawn. When did you begin your planning to be the  
34 co-shoe bomber? What year?  
35  
36 BADAT: The end of 2001. It was -- well, the assignment was given to me at the end of September,  
37 I believe, 2001.  
38  
39 GOTTLIEB: And were you given the assignment at the same time as Richard Reid was given the  
40 assignment?  
41  
42 BADAT: Yes.  
43  
44 GOTTLIEB: And Richard Reid boarded a plane in December of 2001, correct?  
45  
46 BADAT: Correct.  
47  
48 GOTTLIEB: And you didn't, uh, enter a plane for the purpose of bombing it, correct?  
49  
50 BADAT: No, um, that's correct, yeah, I didn't.  
51  
52 GOTTLIEB: In fact even with all this planning, you never then go through with your role in the plot,  
53 correct?  
54  
55 BADAT: Correct.  
56

	<u>Speaker</u>	<u>Transcription</u>
1	GOTTLIEB:	And you indicated earlier that you told somebody that you were not going to be a shoe
2		bomber?
3		
4	BADAT:	Yes.
5		
6	GOTTLIEB:	Who was that?
7		
8	BADAT:	That was Musab al-Balushi.
9		
10	GOTTLIEB:	When did you tell him that?
11		
12	BADAT:	I told him that at this similar time, December 2001.
13		
14	GOTTLIEB:	And you said it by, uh, way of e-mail?
15		
16	BADAT:	Correct.
17		
18	GOTTLIEB:	And if I could show you Government Exhibit, uh, 3500, uh, 132AO, 132, do you recognize
19		that e-mail?
20		
21	BADAT:	Yes.
22		
23	GOTTLIEB:	Is that the e-mail that you've been referring to?
24		
25	BADAT:	Yes.
26		
27	GOTTLIEB:	That's the e-mail that you said indicates that you were not going to be a shoe bomber?
28		
29	BADAT:	That's the one, yes.
30		
31	GOTTLIEB:	Okay. Could you read the relevant portion of the e-mail concerning your decision about
32		being a shoe bomber?
33		
34	BADAT:	Uh, the relevant portion is, "You'll have to tell Van Damme that he could be on his own."
35		
36	GOTTLIEB:	Okay so in the e-mail -- you wrote this e-mail correct?
37		
38	BADAT:	Correct.
39		
40	GOTTLIEB:	And in this e-mail you're sending it to your handler, correct?
41		
42	BADAT:	Correct.
43		
44	GOTTLIEB:	And this is December 14, 2001, correct?
45		
46	BADAT:	Correct.
47		
48	GOTTLIEB:	And you tell your handler, "Sorry, man, I'm still around but I've been really ill since joining
49		Brianna again."
50		
51	BADAT:	Correct.
52		
53	GOTTLIEB:	And what is Brianna?
54		
55	BADAT:	Brianna was just a name for Britain.
56		

<u>Speaker</u>	<u>Transcription</u>
1 GOTTLIEB:	You continued saying, "I'm having big problems lately and I'm having trouble with playing
2	any sport whatsoever. I'll keep you informed but you'll have to tell Van Damme that he
3	could be on his own." That's the extent of your e-mail communication, correct?
4	
5 BADAT:	Correct.
6	
7 GOTTLIEB:	And who is Van Damme?
8	
9 BADAT:	Van Damme is Richard Reid.
10	
11 GOTTLIEB:	And so you're indicating to your handler that he'll have to tell Van Damme, Richard Reid,
12	that he could be on his own, correct?
13	
14 BADAT:	Correct.
15	
16 GOTTLIEB:	Other than sending this e-mail and saying what you said in this e-mail, did you send any
17	other e-mail saying that you had decided to withdraw from the conspiracy to bomb a
18	plane?
19	
20 BADAT:	No.
21	
22 GOTTLIEB:	Did you tell Khalid Sheikh Mohammad with whom you had conversations about being a
23	shoe bomber that you were withdrawing from this plot?
24	
25 BADAT:	No.
26	
27 GOTTLIEB:	Did you tell some --
28	
29 BADAT:	Oh, oh, oh, I had -- sorry, um, I had no direct communication with him even if I wanted
30	to.
31	
32 GOTTLIEB:	Well did you have any conversations with Khalid Sheikh Mohammad -- any conversations
33	whatsoever about being a shoe bomber?
34	
35 BADAT:	Yes.
36	
37 GOTTLIEB:	Did you tell Khalid Sheikh Mohammad at any time that you had decided not to be a shoe
38	bomber?
39	
40 BADAT:	No I hadn't. I will also say I didn't have any communication -- any -- any direct
41	communication with him.
42	
43 GOTTLIEB:	And what about, uh, Osama bin Laden? Did you tell him that you were withdrawing from
44	this plot to be a shoe bomber?
45	
46 BADAT:	Similar case. I didn't but I had no direct communication with him anyway.
47	
48 GOTTLIEB:	And did you ever tell Jafar that you were not going to be a shoe bomber after all?
49	
50 BADAT:	Jafar never knew I was going to be a shoe bomber.
51	
52 GOTTLIEB:	So the answer is no, you never told him?
53	
54 BADAT:	No.
55	
56 GOTTLIEB:	And did you ever tell Richard Reid, your coconspirator, that you were not going to be a



<u>Speaker</u>	<u>Transcription</u>
1	shoe bomber?
2	
3	BADAT: I actually can't remember whether I told him direct or not. Um, my best recollection is
4	that I only informed Balushi that I was not going to take part.
5	
6	GOTTLIEB: Well after you sent this e-mail to your handler saying that he would have to tell Van
7	Damme who is Richard Reid that he could be on his own.
8	
9	BADAT: Yeah.
10	
11	GOTTLIEB: Do you recall --
12	
13	BADAT: Yeah.
14	
15	GOTTLIEB: -- that you then --
16	
17	BADAT: Yes.
18	
19	GOTTLIEB: -- did or did not have a conversation with Van Damme, Richard Reid?
20	
21	BADAT: I don't believe I com-- uh, communicated directly with Reid about this. So I conveyed the
22	message via Balushi.
23	
24	GOTTLIEB: Mr. Badat, can you just tell us, uh, how many years you spent in training?
25	
26	BADAT: Uh, I spent in total in Afghanistan three years, uh, not all of that was in training though.
27	Uh, total amount in training would come to six to eight months.
28	
29	GOTTLIEB: Okay the total time though that you spent though in Afghanistan after you decided to
30	join, uh, al-Qaeda was three years?
31	
32	BADAT: Uh, there was no intention to join al-Qaeda at the beginning so my total amount in
33	Afghanistan was three years.
34	
35	GOTTLIEB: The total number of years that you spent in jail was how long?
36	
37	BADAT: In jail six years.
38	
39	GOTTLIEB: Thank you. I have no, uh, no further questions.
40	
41	BITKOWER: Thank you. Few questions in redirect, Mr. Badat. Uh, you were asked a question about
42	an e-mail you wrote to Musab al-Balushi. Do you recall that?
43	
44	BADAT: Yes.
45	
46	BITKOWER: And was that the e-mail that is in Government's Exhibit 3500AO132?
47	
48	BADAT: Yeah, it's the same --
49	
50	BITKOWER: Same e-mail?
51	
52	BADAT: This is the same e-mail, yes.
53	
54	BITKOWER: And does that e-mail contain coded language?
55	
56	BADAT: Yes.

Speaker

Transcription

1  
2 BITKOWER: And can you describe, uh, how and where you came up with that code?  
3  
4 BADAT: Uh, it's kind of coded language, uh, I came up with during a meeting with Richard Reid  
5 and al-Balushi in Karachi.  
6  
7 BITKOWER: And can you explain why it is you communicated with the coded language?  
8  
9 BADAT: Uh, to make our actions less obvious.  
10  
11 BITKOWER: Obvious to whom?  
12  
13 BADAT: To the authorities.  
14  
15 BITKOWER: Thank you. You were also asked whether you knew certain names and shown certain  
16 photographs. Do you recall that?  
17  
18 BADAT: Yes.  
19  
20 BITKOWER: And can you, uh, tell us first of all, um, did you ever obtain training in the Waziristan  
21 region of Pakistan?  
22  
23 BADAT: No.  
24  
25 BITKOWER: Uh, can you tell us when was it, what years was it that you were in Afghanistan?  
26  
27 BADAT: Between the years 1999 and 2001.  
28  
29 BITKOWER: Without telling us a particular address or institutional name, where were you in August of  
30 2008?  
31  
32 BADAT: Uh, 2008 I was in prison.  
33  
34 BITKOWER: And where were you in September of 2008?  
35  
36 BADAT: In prison.  
37  
38 BITKOWER: Where were you in, uh, October of 2008?  
39  
40 BADAT: In prison.  
41  
42 BITKOWER: Where were you in November of 2008?  
43  
44 BADAT: In prison.  
45  
46 BITKOWER: Where were you in December of 2008?  
47  
48 BADAT: In prison.  
49  
50 BITKOWER: Where were you in January of 2009?  
51  
52 BADAT: Uh, again in prison.  
53  
54 BITKOWER: Okay. Um, at the time you, um, you were asked earlier about receiving benefits, for  
55 example employment assistance benefits, do you recall that?  
56

	<u>Speaker</u>	<u>Transcription</u>
1	BADAT:	Yes. Yes.
2		
3	BITKOWER:	Um, you -- did you receive any financial benefits from the United States?
4		
5	BADAT:	No.
6		
7	BITKOWER:	Who did you receive financial benefits from?
8		
9	BADAT:	From the Metropolitan Police.
10		
11	BITKOWER:	Uh, you were asked questions about communications your attorneys had with the
12		Department of Justice in the United States. Do you recall that?
13		
14	BADAT:	Uh, yes.
15		
16	BITKOWER:	And what was your wish in regards to the United States charges?
17		
18	BADAT:	I wish, uh, was, uh, the opportunity to address the charges in the United States.
19		
20	BITKOWER:	If you had your way, would those charges be dismissed?
21		
22	BADAT:	Yes.
23		
24	BITKOWER:	Uh, would you like those charges to be dismissed?
25		
26	BADAT:	Yes.
27		
28	BITKOWER:	Has anyone from the United States ever told you that those charges will be dismissed?
29		
30	BADAT:	No.
31		
32	BITKOWER:	Has anyone ever made you any promises about what will happen to those charges?
33		
34	BADAT:	No.
35		
36	BITKOWER:	Uh, are those charges currently pending today?
37		
38	BADAT:	Yes.
39		
40	BITKOWER:	And if you were to travel to the United States today, what is your expectation of what
41		would happen?
42		
43	BADAT:	My expectation is that I would be arrested.
44		
45	BITKOWER:	Pursuant to those charges?
46		
47	BADAT:	Correct.
48		
49	BITKOWER:	Okay, um, you were asked questions about your desire to testify or not testify against
50		certain individuals. Do you recall that question?
51		
52	BADAT:	Yes.
53		
54	BITKOWER:	Uh, do you under your agreement have any choice about whom you testify against?
55		
56	BADAT:	No.

Speaker

Transcription

1  
2 BITKOWER: Uh, whose choice is it against whom you testify?  
3  
4 BADAT: It's the choice of the American authorities.  
5  
6 BITKOWER: Uh, you were asked some questions about the logical progression for a new trainee to be  
7 an operative, uh, in Afghanistan, do you recall those questions?  
8  
9 BADAT: Yes.  
10  
11 BITKOWER: Uh, first of all when you answered those questions, what time period were you referring  
12 to?  
13  
14 BADAT: Uh, I was referring to the time period, uh, during which I was in Afghanistan.  
15  
16 BITKOWER: And what time period was that?  
17  
18 BADAT: Between '99 and 2001.  
19  
20 BITKOWER: Okay and at the time, uh, who was the government of Afghanistan?  
21  
22 BADAT: The Taliban.  
23  
24 BITKOWER: And did the Taliban, um, what kind of relationship did the Taliban have with Osama bin  
25 Laden's group or al-Qaeda?  
26  
27 BADAT: Uh, they were providing him a refuge.  
28  
29 BITKOWER: Uh, did the Taliban, um -- withdrawn. If you were a member of supporter of al-Qaeda in  
30 Afghanistan at that time, uh, would you have had to fear arrest or prosecution by the  
31 Taliban authorities?  
32  
33 BADAT: No.  
34  
35 BITKOWER: Um, and were there times that, um, the training camps in Afghanistan had to be  
36 evacuated?  
37  
38 BADAT: Yes.  
39  
40 BITKOWER: And how many times do you recall that happening?  
41  
42 BADAT: Um, I recall the training camp being evacuated after 9/11.  
43  
44 BITKOWER: Okay and, uh, why was that?  
45  
46 BADAT: Uh, because there was a fear that, uh, the training camp would become a target for  
47 American bombardment following the attacks.  
48  
49 BITKOWER: No further questions.  
50  
51 GOTTLIEB: Mr. Badat, um, if you're, uh, so interested in addressing and only addressing the, uh,  
52 charges in the federal indictment in the United States, why not just hop a plane and  
53 address those charges in federal court?  
54  
55 BADAT: Um, 'cause, uh, probably the reluctance to go to -- I would say the reluctance to go back  
56 to prison.

<u>Speaker</u>	<u>Transcription</u>
1	
2 GOTTlieb:	Um, you said that your expectation -- your expectation, uh, would be you would be
3	arrested if you arrived in the United States. Who told you that, that you would be
4	arrested?
5	
6 BADAT:	May I go back to -- may I go back to my previous answer for the previous question, uh,
7	about, uh, the reasons why I would not like to just hop upon a plan and travel to
8	America?
9	
10 GOTTlieb:	Sure.
11	
12 BADAT:	Okay, um, so it's not just, uh, so my reluctance to go back to prison, um, uh, another
13	reason would be the worry it would place upon my family if I were to travel. And, uh,
14	probably, uh, another reason that I would be -- I haven't been asked to travel yet. In
15	other words, an extradition warrant hasn't been issued yet. So I'll put it down to three
16	reasons.
17	
18 GOTTlieb:	So it's your understanding that nobody from the United States has asked you to come
19	back to the United States to face the charges?
20	
21 BADAT:	Yes.
22	
23 GOTTlieb:	Did anyone tell you from the United States -- did anyone tell you that if you cooperated
24	and voluntarily came back and testified at a trial such as this, did anyone tell you that you
25	would be arrested?
26	
27 BADAT:	Uh, all I have been asked --
28	
29 GOTTlieb:	I'm just --
30	
31 BADAT:	-- is about my willingness to travel and I've said no.
32	
33 GOTTlieb:	My question is very straightforward. Has anybody from the United States told you that if
34	you cooperate and you flew back and arrived in the United States, did anybody from the
35	United States tell you that you would be arrested yes or no?
36	
37 BADAT:	No.
38	
39 GOTTlieb:	Did you ask anyone point blank, directly from the United States, from the government,
40	that if you flew back would you be arrested? Did you ask anybody that?
41	
42 BADAT:	No.
43	
44 GOTTlieb:	And with regarding the use of codes in the e-mails is it not true that in general al-Qaeda
45	operatives have meetings with al-Qaeda handlers ahead of time to establish codes that
46	they will use in future communications?
47	
48 BADAT:	It was a practice I went through.
49	
50 GOTTlieb:	And that's your understanding of the practice that other al-Qaeda operatives also went
51	through, correct?
52	
53 BADAT:	Couldn't say it's the general practice but I know it's the practice that I went through.
54	
55 GOTTlieb:	Did you not tell officials from the UK when you were cooperating with them --
56	

SpeakerTranscription

1 BADAT: Mm-hm.  
2  
3 GOTTLIEB: -- did you not tell them that in general al-Qaeda operatives have meetings with their al-  
4 Qaeda handlers ahead of time to establish codes that they will use in future  
5 communications? Did you tell them that?  
6  
7 BADAT: Uh, I can't recall if I said that but --  
8  
9 GOTTLIEB: And directing your attention to July 13th, 2010, somewhere in London, did you not make  
10 that specific statement to UK officials?  
11  
12 BADAT: Um, I don't know either way if I said that. All I can say is that if I said that, um, I would  
13 have based it on my own experience. So I can't say hundred percent it happened with  
14 every single person but it happened in my case.  
15  
16 GOTTLIEB: I have no questions.  
17  
18 BITKOWER: You were asked questions, Mr. Badat whether you had direct conversations with anyone  
19 from the United States about whether you'd be arrested if you flew back to the United  
20 States. Uh, do you recall that question?  
21  
22 BADAT: Yes.  
23  
24 BITKOWER: Um, and putting aside individuals from the United States, have you discussed that topic  
25 with anyone else -- with anyone from the British government for example?  
26  
27 BADAT: I have had, uh, informal discussions.  
28  
29 BITKOWER: Okay and what -- why is it that you believe that you'll be arrested if you return to the  
30 United States at this time?  
31  
32 BADAT: Uh, in, uh, and formal discussion of, uh, this nature, I've been told that if I were to land in  
33 the United States I would be arrested.  
34  
35 BITKOWER: And who told you that?  
36  
37 BADAT: Um, Mr. Ken McAuley.  
38  
39 BITKOWER: Is that someone with the British Police Service?  
40  
41 BADAT: Yes.  
42  
43 BITKOWER: No further questions.  
44  
45 GOTTLIEB: But who was that who made that statement to you?  
46  
47 BADAT: Mr. Ken McAuley.  
48  
49 GOTTLIEB: And when did Mr. Ken McAuley of the, uh, Police here in the UK, when did he say that  
50 you would be arrested if you went to the United States?  
51  
52 BADAT: He said this to me, I would say about two or three weeks ago.  
53  
54 GOTTLIEB: And where did you have this conversation with him?  
55  
56 BADAT: This in London.

Speaker

Transcription

1  
2 GOTTLIB: Where was the conversation?  
3  
4 BADAT: Uh, in location, in central London.  
5  
6 GOTTLIB: Was it at his offices?  
7  
8 BADAT: No.  
9  
10 GOTTLIB: Was anybody else present when you had this conversation with him?  
11  
12 BADAT: Uh, I believe not, no.  
13  
14 GOTTLIB: Uh, what time of day did you have this specific conversation where you say that Mr.  
15 McCauley said that you would be arrested if you went to the United States?  
16  
17 BADAT: This was during the daytime on, uh, a more -- one morning in central London.  
18  
19 GOTTLIB: And did he make that statement as a result of you asking him any question about it?  
20  
21 BADAT: Uh, he told me that he had asked, um, uh, Sharon, he had asked Sharon Lever, um, about  
22 me potentially traveling to the US in response to which, um, I was told that Sharon --  
23 Sharon Lever said that if I were to land on the United States soil I would be arrested.  
24  
25 GOTTLIB: And Mr. McCauley actually told you that Sharon Lever of the Department of Justice --  
26  
27 BADAT: Yes.  
28  
29 GOTTLIB: -- said and told him that you would be arrested even if you cooperated?  
30  
31 BADAT: The words were if I were to land on United States soil I would be arrested.  
32  
33 GOTTLIB: Did, uh, did Mr. McCauley say to you that if you cooperated in a trial in the United States  
34 that Sharon Lever or anybody else from the United States government said that you  
35 would be arrested? Did he make that statement to you?  
36  
37 BADAT: There was no mention of this extra stipulation. It was just a general thing, if I landed in  
38 the United States I would be arrested.  
39  
40 GOTTLIB: I have nothing further.